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AN INVESTIGATION INTO THE REFERENDUM FOR THE KNIGHT STREET PUB

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Province of
British Columbia

OFFICE OF THE
DEPUTY MINISTER

Ministry of
Labour and
Consumer Services

Parliament Buildings
Victoria
British Columbia
V8V 1X4

June 6, 1988

The Honourable Lyall Hanson
Minister of Labour and
Consumer Services
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Mr. Hanson:

On May 12, 1988, you asked me to investigate a number of alleged improprieties in the conduct of the plebiscite for the Knight Street Neighbourhood Public House.

Contained within are the findings of our investigation. The investigation was conducted by members of the Liquor Control and Licensing Branch. We were also aided in the investigation by a member of the Legal Services Branch of the Ministry of Attorney General.

I submit herein the findings of our investigation.

Yours sincerely,

Lee Doney,
Deputy Minister

Enclosure

AN INVESTIGATION INTO THE REFERENDUM FOR THE KNIGHT STREET PUB

Ministry of Labour and Consumer Services

June, 1988

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I. INTRODUCTION

On May 10, 1988, the Honourable Lyall Hanson, Minister of Labour and Consumer Services, received allegations that a referendum held in May, 1987, for the Knight Street Pub had been improperly conducted.

The allegations were in the form of a list of 29 householders living near the pub who claimed irregularities in the referendum process (Tab 1). The list was presented to the Minister during an interview on local television news by British Columbia Television (BCTV). This list indicated that the information was provided to the television station by Anil K. Mangal, M.D., F.R.C.P.(C), a resident of the immediate area.

Dr. Mangal's complaint initially came to the attention of the Liquor Control and Licensing Branch (LCLB) on October 23, 1987, by letter dated September 18, 1987, wherein he complained of voting irregularities in the conduct of the referendum, but provided no specifics (Tab 2).

The General Manager of the LCLB responded by letter dated October 30, 1987 (Tab 3). Dr. Mangal and the Branch are of divergent views as to what transpired after this point; the Branch being of the view that Dr. Mangal was advised to provide specifics before further investigation would be conducted; whereas Dr. Mangal is of the view the Branch had undertaken to commence further investigation. This divergence of opinion cannot be resolved.

On May 12, the Minister instructed the Deputy Minister (Tab 4) to investigate the allegations and report on findings and recommendations.

II. METHODOLOGY OF INVESTIGATION

Upon receiving the Minister's instruction, the Deputy Minister directed the General Manager, Liquor Control and Licensing Branch, to investigate these allegations, assisted by independent legal counsel from the Legal Services Branch, Ministry of Attorney General.

The General Manager then selected a team of seven liquor inspectors, all with extensive investigative experience, to do the fieldwork in this investigation. The investigation was assisted by two members of the Policy and Legislation Branch, and other resources of the Ministry.

On May 13, 1988, letters were hand-delivered to all householders whose name appeared on the list provided by BCTV. A sample of this letter (Tab 5) shows that householders were invited to contact the Burnaby office of the Liquor Control and Licensing Branch by 4:30 p.m. on the 17th day of May, 1988, to make an appointment to meet with a liquor inspector for the purpose of providing a statement. At the same time, a letter was sent to Dr. Mangal advising him of the investigation (Tab 6).

On the same day, the Branch delivered letters to Mr. Charles Giordano, President of Delta Media Services Ltd., the referendum company which conducted the referendum in May, 1987 (Tab 7) and to Mrs. Valerie A. McRobbie, President of V.A. Boyd Ltd., the licensee (Tab 8). The purpose of these letters was to elicit information from the referendum company and the licensee concerning their respective roles in the referendum process, and to respond to the specific allegations. Responses were received May 18 and 19, 1988 (Tab 9 & 10).

While interviews were being scheduled with the 29 householders whose names had been supplied by BCTV, correspondence was received from Dr. Mangal dated May 11 and 16, 1988, (Tab 11 & 12) which contained additional names of householders alleging irregularities in the referendum process. Immediately on receiving the May 16 letter, Ministry legal counsel contacted Dr. Mangal and advised him that the investigation had commenced with a well-defined deadline for the completion of the interviews.

Dr. Mangal was advised that if the householders named in his letters were to make an appointment for an interview before the deadline of 4:30 on May 17, the following day, the Branch would include those householders as part of the investigation. Dr. Mangal indicated his willingness to accept this proposal. This conversation was confirmed by letter dated May 17, 1988, from the General Manager to Dr. Mangal (Tab 13).

The expansion of the list increased the initial 29 households to 62 households alleging irregularities in the referendum process. In addition, one resident (Case 31) wrote directly to the General Manager by letter dated May 7, 1988, asking to be involved. By May 18th, 37 of the now 63 householders involved had responded to the invitation for an interview. Three more householders were subsequently interviewed.

The majority of householders chose to be interviewed in their homes; a few were interviewed in the Liquor Control and Licensing office in Burnaby. All interviews were conducted in a consistent fashion from a list of prepared questions (Tab 14). Responses to the questions were recorded in writing. Available information such as ballots, maps and "out - left notice" (OLN) cards (Tab 15), as well as relevant survey control sheets, were shown to the householders and the householders comments were recorded. Immediately thereafter the investigators prepared summary sheets of each interview and placed all material received in separate case files.

On May 18th, the General Manager received a letter dated May 17th, from Dr. Mangal (Tab 16) wherein Dr. Mangal asked to delete two names from his previous list. The two names, Case 16 and Case 41, were withdrawn but are still included in the body of the report for sake of completeness.

On May 19, 1988, a former employee of Delta Media Services Ltd. (Pollster 1), a pollster in the May, 1987, referendum was interviewed by Liquor Control and Licensing Branch investigators to determine whether his portion of the survey contained irregularities.

The interview was conducted with Mr. Giordano, President of Delta Media Services, present at the request of his legal counsel. A written statement was obtained (Tab 17).

On May 21st, additional information was required from Pollster 1, who was contacted by telephone. A note to file of that conversation was prepared (Tab 19).

On May 24th, a written statement was taken from a 2nd pollster (Tab 20). A further statement was taken from Pollster 1 (Tab 21). Subsequently statements were taken from Pollster 3 (Tab 22), Pollster 4 (Tab 23) and Pollster 5 (Tab 24). None of the other nine pollsters involved in the survey could be located for interviews.

The last interviews were completed on June 4th.

During the course of the investigation there were a number of telephone calls between Ministry investigation staff and Mr. Giordano, Mrs. McRobbie, and legal counsel acting for Mrs. McRobbie, to obtain additional information.

During the investigation, one letter was received by the Minister that alleged criminal conduct. Contact was made with the resident to confirm that the letter was sent by him. Accordingly, this matter has been referred to the Ministry of Attorney General for appropriate action. No substantiating evidence was found during the course of this investigation.

III. FINDINGS ON SPECIFIC ALLEGATIONS

Specific allegations from 63 households were received (Tab 1, 11 & 12). Files for Cases 1 - 63 were created. Interviews were conducted at households where requested, and all available information was considered.

The findings on each case follow.

A. Case 1 - 14, 42, and 48 (16 households)

Allegation:

"No registration or ballot materials received,"* thus did not get an opportunity to vote.

(*Source: Dr. Mangal's letter.)

Evidence:

Survey control sheets indicate ballot or OLN card left. Ballots found purportedly from all 16 households.

The ballots were shown to households by investigators and the residents confirmed that the signatures were their own or looked like their own.

Subsequently, Cases 6 and 11 claimed to BCTV that their signatures had been forged on the ballots, specifically in one case by photostating the signature onto the ballot. The case files contain the original four ballots from the two households. The original ballots were shown to the residents (Cases 6 and 11), who confirmed that the signatures looked like theirs, but they said they didn't remember signing the ballots. These residents were asked for signed statements of their allegations, which they refused to provide. In both cases the vote was "No." It was concluded that "No" votes would not be forged and fraud would not be necessary to obtain votes from these two households.

As the ballots did not appear to have been altered, the matter was dropped.

Findings:

Allegation rejected.

Referendum Company - There was no error in relation to these allegations on the part of the referendum company.

B. Case 17 - 21, 43, 50 and 51 (8 households)

Allegation:

"No registration or ballot materials received," thus did not get an opportunity to vote.

Evidence:

Survey control sheets indicate all eight households received ballots. Ballots found purportedly from seven households. These ballots were "No" votes, and were counted as such. Since these households did not request interviews, and all ballots were "No" votes, ballots were not shown to households to confirm signatures.

Findings:

Allegation rejected.

Referendum Company - There was no error in relation to these allegations on the part of the referendum company.

C. Case 23, 24, and 27 (3 households)

Allegation:

"No registration or ballot materials received", thus did not get an opportunity to vote.

Evidence:

Survey control sheets indicate these households voted.

Ballots found purportedly from three households were spoiled ballots since they contained no signature.

These households did not request an interview.

The statement by Pollster 1 (Tab 17) states:

> "I did not mark 'Yes' or 'No' myself on the ballots. I always asked the person to mark the ballots 'Yes' or 'No'. Some would say 'You do it.' Then I would make it 'Yes' or 'No' as instructed by them. I would first hand them the information sheet, then the ballot. Then some would say 'You fill it out.' I would then write on the name and the phone number. I would also ask them to sign and some did not want to sign. ...I would fold it up and put it in the envelope. Some of the ballots, people would not give me names or sign them."

The pollster in a later interview (Tab 21) further stated he would:

> "A: ...ask them if they would fill out the official ballot. If they said they didn't want to do it, I would say, 'Okay, well, I will have to fill it out myself. Can you sign it?' If they didn't want to do it, I'd put it in my envelope, and off I go.
> Q: And they knew full well, and you knew full well, that it would be a spoiled ballot then?
> A: I didn't have any idea what a spoiled ballot was."

The conclusion is that the statement provided by the pollster is credible and his recollection of the events reflect what transpired. The control sheet indicates these households were contacted and ballots issued. It is likely that these three households received materials, but the ballots were spoiled by lack of signature of residents.

Findings:

Allegation unverifiable.

Referendum Company - The procedure adopted by the pollster was inappropriate, but was not adopted to deliberately spoil votes.

In the referendum a total of 95 ballots (including these 6 ballots) were spoiled. Fifty-six of the ballots were marked "Yes" and 37 "No". Two spoiled ballots were unmarked.

This ratio of "Yes" to "No" votes in the spoiled ballots is consistent with the ratio of total "Yes" to "No" votes cast. The ratio does not reflect any tendency to spoil "No" votes.

A reconstruction of the spoiled ballots polled by the pollster who polled Cases 22 - 27 (Tab 18) shows his procedure as described (Tab 17) caused 17 spoiled "No" votes and 9 spoiled "Yes" votes, a reversal of the pattern disclosed in viewing all the spoiled ballots.

The pollster appears to have followed an inappropriate procedure in an attempt to obtain the vote, not to deliberately spoil votes. There is no evidence the pollster was attempting to spoil "No" votes in light of the fact that he also spoiled "Yes" votes. He confirmed this by his statement that he did not know his procedure would spoil votes (Tab 21).

D. Case 15, 22, 25, and 26 (4 households)

Allegation:

"No registration or ballot materials received," thus did not get an opportunity to vote.

Evidence:

These households were interviewed at their request and allege that they did not complete the ballots, did not make their mark, or sign the ballot.

The evidence of the pollster is as contained on Cases 23, 24, and 27.

Findings:

Allegation unverifiable.

The recollection of events by the four households conflict with the recollection of the pollster, therefore the allegation is unverifiable.

Referendum Company - The findings regarding the referendum company are the same as for Cases 23, 24 and 27.

E. Case 28 (1 household)

Allegation:

"No registration or ballot materials received," thus did not get an opportunity to vote.

Evidence:

The investigation confirmed that one household appropriately did not receive material since this household was outside the 1/2 mile radius, albeit right on the edge of the referendum area and was not entitled to vote in the referendum. Since the inference of this allegation is that there was a denial of a right to vote, and the household was outside the referendum area, the allegation is rejected.

Findings:

Allegation rejected.

F. Case 31 - 32 (2 households)

Allegation:

"No registration or ballot materials received," thus did not get an opportunity to vote.

Evidence:

The investigation established that two households were within the area of the referendum but were not contacted by the referendum company.

Findings:

Allegation accepted.

Referendum Company - The referendum company should have canvassed these households when conducting the referendum. These two households were improperly omitted from the referendum.

G. Case 33 (1 household)

Allegation:

The original allegation received from Dr. Mangal was that the householder in Case 33 did not receive any material. An interview with householder established this allegation to be incorrect when the householder stated he had received an OLN card and mailed the card back to the referendum company. However, the householder raised a new allegation when he advised that he never received any ballots in return.

Evidence:

Referendum company records show that an OLN card was left, but show no record of receiving the OLN card back or of sending out ballots.

Findings:

The initial allegation received from Dr. Mangal was incorrect. The second allegation is unverifiable.

Referendum Company - The returned OLN card was either not received or was lost by referendum company.

H. Case 35 - 36 (2 households)

Allegation:

Only one ballot provided - insufficient for the number of residents in the household.

Evidence:

Interviews and a review of the survey control sheets and OLN cards established that the two households received the number of ballots requested. The households cast 5 and 4 "No" votes respectively. Signatures on ballots were confirmed by residents of the households when interviewed by an investigator.

Findings:

Allegation rejected.

Referendum Company - There was no error in relation to these allegations on the part of the referendum company.

I. Case 37 (1 household)

Allegation:

The householder had to ask for an additional ballot for spouse.

Evidence:

Survey control sheet and ballots indicate that two ballots were provided as requested by the household, and that two votes were counted.

Findings:

As the correct number of ballots and votes were tallied, this allegation is not material to the outcome of the referendum.

Referendum Company - This allegation raises questions about polling methods and compliance with the requirement to establish the number of eligible residents in the household.

Interviews with 5 pollsters (Tabs 17, 19 to 24) establish that they were aware of the responsibility and sought to establish the number of eligible residents in the household.

J. Case 34 (1 household)

Allegation:

Household did not receive sufficient ballots. Household alleged that the pollster provided them with a ballot but failed to ask if additional residents lived in the house.

Evidence:

Survey control sheet shows that the household was provided with one ballot, which was counted in the referendum.

The householder was away on holidays during the investigation and could not be contacted for an interview.

Interviews with five pollsters (Tabs 17, 19 to 24) establish that they were aware of the responsibility and sought to establish the number of eligible residents in the household.

Findings:

Allegation unverifiable.

Referendum Company - Referendum guidelines should be clarified to reflect a clear onus on the pollster to establish the number of eligible residents.

K. Case 38 (1 household)

Allegation:

The household did not receive sufficient ballots. The household alleged that the pollster provided them with a ballot but failed to ask if additional residents lived in the house.

Evidence:

Survey control sheet shows household was provided with one ballot, which was counted in the referendum.

The statement from Pollster 2 (Tab 20), who surveyed this household, reflects an attempt was made at each household to ascertain the number of residents eligible to vote.

The female householder (Case 38) was inconsistent in the two statements given. She also stated that the pollster was a man. Survey records indicate Pollster 2, a woman, surveyed this household.

Findings:

Allegation unverifiable.

Referendum Company - Referendum guidelines should be clarified to reflect a clear onus on the pollster to establish the number of eligible residents.

Interviews with pollsters (Tabs 17, 19 to 24) established that they were aware of this responsibility and that they sought to establish the number of eligible residents in each household.

L. Case 39 (1 household)

Allegation:

Ballots were spoiled because they were not picked up. This household alleged that they received a ballot, but were "told to keep it and no one ever came to pick it up."

Evidence:

The ballot was received and counted as a "No" vote; it was not spoiled.

No interview was requested. Pollster 4, who surveyed the household, indicated (Tab 23) that households were never told ballots would be picked up.

Findings:

Allegation rejected. Vote counted.

Referendum Company - There was no error on the part of the referendum company in relation to these allegations.

M. Case 40 (1 household)

Allegation:

Ballots were spoiled because they were not picked up. The household alleged that they received ballots and were told to hang onto them for pick-up, but the ballots were not picked up.

Evidence:

Survey documents establish that ballots were returned late in a hand written envelope. Household says that no envelope was left and that the surveyor would pick it up.

The pollster was not available for interview by investigators, having apparently moved out of province. There is no evidence to conflict with the evidence of the householder and the householder's evidence is credible.

Findings:

Allegation accepted.

Referendum Company - A consistent policy regarding the mailing in of ballots is required, and should be reflected in the referendum guidelines.

N. Cases 29, 30, 44 - 47, 49, 52 - 54, 56 - 59, 60, 61, 63 (17 households)

Allegation:

"No registration or ballot materials received," thus did not get an opportunity to vote.

Evidence:

For 14 of 17 households, survey control sheets indicate no one home.

The policy (Tab 9) of the referendum company was to leave an OLN card if no one was home.

Interviews with Pollster 1 established that he would call back two or three times and leave an OLN card on the last visit (Tab 19 and 21).

Interviews with Pollsters 2, 3 and 4 confirmed that the referendum company policy was to leave an OLN card if no one was home (Tab 20, 22 and 23).

For three of these 17 households (Cases 46, 52 and 58), survey control sheets indicate that a ballot or ballots were left.

Seven of seventeen households were interviewed at their request.

A review of the evidence shows that the survey control sheets for the 17 households reflect a visit to the household by a pollster. The standard operating procedure of the referendum company (Tab 9) together with pollsters' statements (Tab 17, 19 - 24) reflect a policy of leaving an OLN card at a house where no one was home, either on the first or on a subsequent visit. Where the resident was at home, the evidence indicates that a ballot or ballots were left.

The recollection of the householders a year after the event is that no material was received. There is a possibility that one resident of the household might have discarded the OLN card as ordinary mail without being aware of its significance, or might have forgotten, a year later, whether materials were actually received.

On balance, the conclusion is that an OLN card and information sheet, or, in the case of three households, ballots, were probably delivered to these 17 households, but this is unverifiable. In the light of conflicting evidence and the time elapsed, these allegations can neither be accepted nor rejected.

Findings:

Allegation unverifiable.

Referendum Company - The referendum company policy (Tab 9) of making only one call per household (at which time an OLN card would be left if no one was home) was not followed by all pollsters (Tab 19). Control sheets do not indicate the number of call-backs or when an OLN card was left.

Secondary Allegation Re: Cases 29 and 47 (2 households)

The color-coded survey dispersion map erroneously reflected their vote.

Evidence:

The survey dispersion map was compiled by the referendum company after the referendum was completed and the ballots were tabulated. A copy was provided to the City of Vancouver, who subsequently made the map available to Dr. Mangal and BCTV. This survey dispersion map, whether accurately or inaccurately compiled, had no effect on the outcome of the referendum.

Findings:

Allegation not material to the conduct or outcome of the referendum.

Referendum Company - The referendum company prepared the map to show the dispersion of the voting pattern, not to show the specifics of the vote.

O. Cases 16, 41 and 55 (3 households)

Allegation:

"No registration or ballot materials received," thus no opportunity to vote.

Evidence:

Case 16 - Ballots ("Yes" votes) purportedly from the household were found.

Case 41 - Survey control sheets indicate no one was home; the referendum company policy is to leave an OLN card.

At the request of Dr. Mangal (Tab 16), the allegations were withdrawn for these two cases.

Case 55 - Ballot found voted "No." An interview confirmed her ballot and signature. This householder maintains she never made any complaint regarding the referendum and does not know how Dr. Mangal got her name.

Findings:

Allegation withdrawn.

Referendum Company - There was no error on the part of the referendum company in relation to these allegations.

P. Case #62 (1 household)

Allegation:

Household cast four "no" votes, but the color-coded survey dispersion map shows a "BLANK" suggesting the household did not vote at all.

Evidence:

Investigator interviewed household and a second allegation arose from the household stating they never voted and were never canvassed.

Findings:

First allegation received from Dr. Mangal was incorrect.

Second Allegation:

"No registration or ballot materials received," thus did not get an opportunity to vote.

Evidence:

Survey control sheet shows an OLN card was left but the household did not vote.

Findings:

Second allegation is unverifiable. Based on referendum company records, the household probably received an OLN card.

IV. OBSERVATIONS

In addition to specific observations and findings on each allegation that has been brought forward, the investigation looked generally at the conduct of the Knight Street Neighbourhood Pub referendum.

To put this referendum into historical perspective, a chronology of the events leading up to this report follows.

1. Chronology

The following is a summary of actions since the pub application was received by the Liquor Control and Licensing Branch in September, 1986, to the time the investigation was launched some 20 months later.

September 18/86 - Liquor Control and Licensing Branch received an application from Valerie A. McRobbie for a Neighbourhood Public House at 7289 Knight Street, Vancouver (Tab 25).

As the Branch requires an applicant to either own or have a letter of intent enabling them to lease the property on which a pub will be situated, supporting documentation included a letter from Mr. Peter C. Toigo, President, Whitbury Holdings Inc., indicating he was prepared to lease the property to Mrs. McRobbie.

January 8/87 - Deputy General Manager of Licensing sent a letter granting pre-clearance to Mrs. McRobbie. (Tab 26)

February 5/87 - Vancouver City Council Standing Committee on Neighbourhood, Cultural and Community Services (N.C.C.S.) recommended that "the neighbourhood pub application for 7289 Knight Street be approved, subject to the result of a plebiscite conducted in the area at the applicant's expense and according to existing policies. This will include a public information meeting to be held in the area of the proposed pub sponsored by the Local Area Planning Committee or the City Clerk prior to an official plebiscite."

February 24/87 - Vancouver City Council approved the N.C.C.S. report.

March 15, March 22 and March 24, 1987 - Notice of intent to apply for a licence was advertised in the local community newspaper, the "South Vancouver Review" (Tab 27).

March - April/87 - A sign was posted on the property advising the public of the application.

March 25/87 - Public Information Meeting held by City of Vancouver at the Moberley Elementary School. Following that meeting, one letter of opposition was received by the City of Vancouver, and forwarded to the Branch (Tab 28).

March 27/87 - Liquor Control and Licensing Branch were advised by letter from Delta Media Services, copy to City of Vancouver, that Mrs. McRobbie had selected their company to conduct the referendum. Delta Media Services submitted to the Branch for approval the following:

- ballot forms
- information sheet
- out, left notice cards.

April 7/87 - Deputy General Manager of Licensing approves material with added requirement that ballots be numbered.

March - April/87 (period of time) - Several groups and individuals, including pub applicant, Mrs. McRobbie, actively campaign door-to-door in opposition or in favour of Pub. At least one petition in opposition was circulated.

April 21 - 27/87 - Referendum was conducted as required by the Liquor Control and Licensing Act and Regulations.

May 22/87 - Deadline for mailing in ballots. Referendum completed.

June 12/87 - Results of referendum reported by Delta Media Services to Deputy General Manager of Licensing.

July 6/87 - Branch completed its examination of Knight Street Pub ballots, methodology and recount. The referendum results were confirmed by the Branch.

July 7/87 - Liquor Control and Licensing Branch advised applicant in letter of results of referendum. (Tab 29)

July 9/87 - Results of referendum reported to and considered by Neighbourhood Cultural and Community Services Committee (N.C.C.S.) of Vancouver City Council. N.C.C.S. recommended approval "subject to final approval by the Liquor Control and Licensing Branch."

- Development permit application to City of Vancouver submitted by H. & S. Design (contractor).

July 21/87 - N.C.C.S. Report to Vancouver City Council: approval granted to application subject to Liquor Control and Licensing Branch approval.

July 22/87 - Mrs. McRobbie submitted to the Branch floor plans for Pub and Beer and Wine store.

July 23/87 - Mrs. McRobbie was advised by telephone that plans for the pub were approved in principle, but the Beer and Wine Store could not be approved because the Branch did not have an application prior to the March 1987 moratorium on Beer and Wine stores.

July 28/87 - Mrs. McRobbie was advised in writing that the Branch could not approve the Beer and Wine store due to the moratorium. (Tab 30)

August 20/87 - Planning Department of City of Vancouver wrote to 109 households in the immediate area of the proposed pub (including Dr. Mangal) asking them to comment on the development permit application prior to September 3, 1987. Six objections were received concerning noise, parking, street safety and property devaluation. (Tab 31)

October 8/87
- Building permit application by H. & S. Design (contractor) submitted to City of Vancouver.

October 23/87
- Branch received letter from Dr. Mangal, making general allegations of irregularities in the process.

October 24 - 30/87
- Branch staff had telephone conversations with Dr. Mangal and City of Vancouver staff regarding the general allegations submitted by Dr. Mangal.

October 30/87
- Development Permit application issued by City of Vancouver to H. & S. Design (contractor).
- General Manager wrote Dr. Mangal.
- Branch staff conducted further review of referendum materials submitted on June 12, 1987.

November 20/87 - Building Permit issued to H. & S. Design.

December 22/87 - Property at 7289 Knight Street sold by Whitbury Holdings to V.A. Boyd Ltd. (Mrs. Valerie A. McRobbie is President and sole director of V.A. Boyd Ltd).

May 9/88
- Occupancy Permit issued by city of Vancouver to H. & S. Design.
- Business licence application submitted to and approved by City of Vancouver; issued to V.A. Boyd Ltd.

May 10/88
- BCTV submitted Dr. Mangal's list of allegations to the Minister of Labour and Consumer Services during an interview.
- Liquor licence issued to V.A. Boyd Ltd.

May 12/88
- Minister directs Deputy Minister to conduct investigation.

Observation: Obtaining a neighbourhood pub licence is a lengthy and costly process.

There were ample opportunities for residents to be aware of the pub application and referendum -- including the sign on the property, pre-canvassing by proponents and opponents, newspaper advertisements, a letter from the City of Vancouver to 109 households in the immediate area, and a public meeting. Given the extensive media coverage of Dr Mangal's allegations prior to the investigation, it is notable that only a small number of complaints were forthcoming.

2. Referendum Process

The Liquor Control and Licensing Act Regulations (s.17[4][i]) state that a licence for a neighbourhood pub cannot be granted until:

> "a petition or referendum is held under section 10[2][b] of the Act to canvass the opinion of residents within a six block or half mile radius of the proposed establishment... ". (emphasis added)

At least 60 percent of the residents voting in the referendum must vote in favour of the pub in order for the application to proceed. The 60 percent ensures a clear majority and a generous margin of protection of the rights of residents in the neighbourhood surrounding the proposed pub.

Observation: A neighbourhood pub referendum is not conducted in the same manner, nor with the same intent, as a federal or provincial election. These referenda are conducted door to door, to canvass the opinion of residents, not to choose between political candidates. The ballots are kept secret from the applicant and the public; however, unlike elections, a referendum ballot must be signed by the voter. This practice attempts to prevent multiple voting by one individual.

The neighbourhood pub referendum process is an imperfect process, subject to human error. To conduct a referendum using a federal or provincial election procedure would be more protective, but would be considerably more expensive. Polling place voting may not attract as high a voter turn-out, as illustrated by low voter turn-out in some elections. Thus, the objective of canvassing the opinion of residents would not be achieved.

3. Referendum Methodology

The investigation reviewed the referendum methodology used by Delta Media Services, and compared it to Branch guidelines and to other referenda conducted for the Branch.

The following is an outline, with comments, of the general methodology employed in conducting the Knight Street Neighbourhood Pub referendum.

Print Materials

The Branch's first contact with the referendum company took place when it submitted its print materials for approval prior to the referendum. These included: information sheet, ballots, out-left notice (OLN) cards (or "not home" cards), and pre-addressed, postage paid envelopes. These materials were acceptable to the Branch.

Staffing and Staff Preparation

Delta employed 14 pollsters for this contract, one of whom acted as a field supervisor. Staff were briefed, and each was provided with an information sheet (Tab 9) which instructs pollsters not to represent either side of the question, but to ensure that every eligible person has the opportunity to vote. Each pollster was required to sign a statement that they had no personal interest in the referendum or neighbourhood pub application.

Door to Door Procedure

Balloting took place from April 21 to April 25, 1987. On any initial call, if someone was at home, the pollsters gave the resident an information sheet and a ballot which could be returned immediately, or which could be returned using the pre-addressed envelope. Pollsters were instructed to ascertain if there were any other eligible voters, and if so, they were to leave adequate voting/mailing materials for them, or an OLN card if the number of ballots requested was unusually large.

If no one was at home, they were to leave the OLN card, information sheet, and an envelope to be used to mail the OLN card to request ballots for named residents. At each call, the control sheet (called "Master Enumeration Sheet" by Delta) was used to record the information obtained at each address, and the action taken. If, for example, there was someone home, the control sheets show enumeration of each adult person at the address. If no one was home then the address was recorded. There is some variation on how each pollster made his/her notation (some wrote "not home", others "materials left", and others added nothing to the address).

One pollster said he had sufficient time to make a second call at residences where there was no one home on the first call. In some cases, this pollster made up to three calls.

Data Collation

Delta Media Services, on receiving completed ballots, recorded the number of the ballot adjacent to the enumerated address on the control sheets. Ballots were then sorted into "yes" and "no" categories, separated by picked-up and mailed categories, with late and spoiled ballots segregated. Every stack was ordered by ballot number, to facilitate cross-checking and double-checking.

Reporting

In its final report - submitted to the Branch along with ballots - Delta Media Services included a summary report and samples of all materials cited herein, including copies of the master enumeration sheets, as is the usual practice. Delta went one step further than most, with complete listings of all ballot numbers recorded, sorted as were the ballots, indicating how each voted. In addition, in the Knight Street referendum, the company supplied a detailed map of the voting area.

Branch Guidelines for Referenda

Branch guidelines for conducting referenda (Tab 32), having evolved over several years, are in need of updating and expansion, and this process is underway. Discussions with the referendum companies commenced in September 1987, and a discussion paper on revised guidelines was circulated in April, 1988. The existing guidelines -- and the standards set by customary practice -- are widely known and accepted throughout the trade.

Observation: The analysis of the referendum methodology used by Delta Media Services found that the work in question was conducted at a standard consistent with Branch guidelines and prevailing standards of the field. One minor exception, noted elsewhere, was the failure to distinguish between initial and second calls on the control sheets, and the non-standardization of pollster notations.

4. Procedural Weaknesses

The review and analysis of the Knight Street pub referendum has highlighted a number of procedural weaknesses in the neighbourhood pub referendum process. It should be noted that these weaknesses are not unique to this referendum, but rather are inherent in the process itself.

Procedural weaknesses include:

a) lack of standardized ballots, OLN cards and information sheets;

b) no ability to trace OLN cards;

c) lack of standardized pollster notation or record keeping systems;

d) the ability to vary the procedure, within the stated guidelines, ie. number of visits per household; returning to pick up completed ballots; assisting the householders to complete ballots. Although it is recognized that pollsters engage in these activities to encourage a higher, and presumably more representative, return rate, flexibility in the procedure can lead to confusion or inadvertent error.

e) selection of the referendum company by the applicant, with the inherent potential for conflict of interest, or for the perception of conflict of interest.

5. Was There Manipulation of the Referendum?

Manipulation could take several forms:

(a) An initial canvass of residents by the referendum company, by the applicant, or by another party acting on the owner's behalf, attempting to find out who is strongly opposed, and then avoiding those houses.

Observation: Many of the households alleging irregularities in the polling process indicate they were "canvassed" by the referendum company, but not provided with a ballot. There is no evidence to indicate the referendum company pre-canvassed the area.

Prior to the referendum there were a number of opposing and supporting campaigns going door to door to solicit support for their views on the pub application. The applicant, Mrs. McRobbie, also went door to door to solicit support for the proposed pub. It is clear from the evidence provided in interviews that many residents confused these campaigns with the actual referendum. For example, some residents said they were approached by a male pollster, when in fact the pollster was female.

(b) Pollsters, with or without the knowledge of the referendum company or applicant, in their first and only visit to the household, could spoil negative ballots or fail to issue sufficient ballots for the household, or imply that households only receive one vote.

Observation: A total of 95 ballots were spoiled in the referendum; 56 "Yes", 37 "No", and 2 unmarked. This ratio of "Yes" to "No" ballots spoiled is consistent with the ratio of total "Yes" to "No" votes cast. The ratio does not reflect any tendency to spoil "No" votes.

Pollster #1 caused 17 spoiled "No" votes and 9 spoiled "Yes" votes, a reversal of the pattern disclosed in viewing all the spoiled ballots. The pollster appears to have followed an inappropriate procedure in an attempt to obtain the vote, not to deliberately spoil votes. There is no evidence the pollster was attempting to spoil "no" votes, in light of the fact that he also spoiled "yes" votes. He confirmed this by his statement that he did not know his procedure would spoil votes (Tab 21).

(c) A pollster not at arms-length with the applicant despite certifying to the referendum company that he or she is independent of the applicant.

Observation: Each pollster signed a declaration stating they had no personal interest in the outcome of the vote, or in the neighbourhood pub.

Mrs. McRobbie has stated during the course of the investigation that she is not related to, nor has she had any previous association with, the pollsters who canvassed for the referendum.

(d) A pollster could deliberately discourage or avoid receiving the validating signature, which renders a ballot spoiled.

Observation: No evidence of deliberately discouraging or avoiding receipt of the validating signature on ballots was found.

Observation: Based on an analysis of the survey methodology and results, spoiled ballots, and interviews with the applicant, referendum company, individual pollsters and the 39 households, no evidence of collusion or manipulation of the survey or its result was found.

As discussed in the "Methodology of Investigation" section, no specific allegations of manipulation, collusion or fraud were received prior to the commencement of the investigation. During the course of the investigation, one letter was received that alleged criminal misconduct. Accordingly, the matter was referred to the Ministry of Attorney General for appropriate action.

During the course of the investigation, two households also alleged forgery of their signature on completed ballots. The residents were asked for signed statements of their allegations, which they refused to provide. In both cases the vote was "No." It was concluded that "No" votes would not be forged. As the ballots did not appear to have been altered, the matter was dropped.

6. Were There Errors in the Referendum?

Given no evidence of manipulation, the question becomes whether or not there was error in the conduct or reporting of the results of the referendum.

The following summarizes the results of the referendum:

- Number of residents and businesses within the referendum area	1,719
- Number of persons receiving ballots	3,192
- Percentage of persons receiving ballots and voting (2,113 divided by 3,192)	66.2%
- Percentage of persons receiving ballots and not voting (1,079 divided by 3,192)	33.8%
- Number of persons voting (includes 13 late ballots)	2,113

For more detailed information on the results of the referendum, refer to Tab 33.

Observation: Even after extensive media attention, only 63 households (2% of residents polled) came forward with allegations. Analysis of other referenda conducted for the Branch indicates that complaints after or even during the conduct of referenda is not unusual.

In comparison with other referenda, the above data show nothing unusual or abnormal. It is interesting to note that 1,079 persons in receipt of ballots chose not to vote.

For the 63 specific allegations brought to the Branch's attention the following summary can be considered:

	number	percent
Total number of primary allegations	63	100.0
Subtract allegations withdrawn	3	4.8
Subtract allegations rejected	28	44.4
Subtract allegations that cannot be verified due to conflicting evidence	28	44.4
Subtract allegations that were not material to the vote	1	1.6
Balance, equals allegations accepted	3	4.8

Several of the allegations came from the territory of one pollster, Pollster 1. The Branch physically compared the control sheets to the addresses of the residences. This identified 17 additional residences that may have been missed.

A senior staff inspector approached each of these houses: six were not at home, one had lived there only two months, there was a language barrier at one household, and nine householders had received no ballots and no OLN cards. Eleven of the 17 were traced to a clerical error by the referendum company, an error that the pollster did not catch (i.e. the numbers for eleven houses were incorrectly written on the map given to the pollster to follow). The 13 other pollster territories were not physically compared to the records, because there was no evidence of any other houses missed by other pollsters. It is impossible to determine whether these people would have voted, or how they would have voted. None of these householders complained, although it must be noted that eleven of them are located very near the edge of the half-mile radius and may not have realized they were eligible to vote.

Observation: There was error in the conduct of the referendum. Two houses (Cases 31 & 32) were missed and complained. Eleven houses were missed and did not complain. Six more houses may or may not have been missed, and did not complain.

Of the three allegations accepted, the third alleged they were told to hang onto their ballots, and the pollster would pick them up. The pollster could not be located to confirm or deny this allegation. No error on the part of the referendum company can be attributed to this case.

Some households alleged, and the evidence substantiates, they did not receive sufficient ballots for all residents eligible to vote. It is conceivable that one spouse, differing in opinion with the other spouse or adults, could misinform the pollster as to the number of adult residents. It is also conceivable that some residents thought that the referendum was one voter per household and a pollster was not clear on this matter. Confusion, miscommunication, and language difficulties between a pollster and residents must also be taken into account. The number of voters not receiving ballots is not known, as almost half of the persons alleging imperfect service did not accept the offer to be interviewed, and, in at least two cases, (Cases 35, 36), one vote was alleged and multiple votes were received.

As discussed in the specific findings on each allegation, some ballots were spoiled as a result of an erroneous and inappropriate procedure adopted by Pollster #1.

There is no evidence Pollster 1 was deliberately attempting to spoil "No" votes, or to deliberately miss houses.

There were a substantial number of allegations which could not be verified due to conflicting evidence. The case details show conflicting evidence between residents and pollsters, and in some cases, two different stories from the same resident.

One full year has elapsed since the referendum was conducted. This time delay has had a significant impact on the ability to reconstruct the events surrounding the referendum. Pollsters, and householders identified on Dr. Mangal's list, have since moved, and the Knight Street neighbourhood pub was built and has opened for business.

It is apparent from the interviews, as well as the number of persons who alleged they had not received ballots or registration materials, but in fact voted, that the ability of persons to accurately recollect events one year after the fact is clearly imperfect.

There is no sound basis to choose between the conflicting evidence of the residents or pollsters. The unverifiable allegations are clearly not evidence of any gross error, systematic manipulation, or gross incompetence on the part of the pollsters or the referendum company.

In terms of the total vote, the magnitude of error found was small. There is no evidence to indicate the errors found were in any way deliberate, or reflected trends which could be extrapolated to the remainder of the referendum. The three allegations accepted could have resulted in 9 "No" votes. This number is insufficient to overturn the 60 percent majority required by the licensing regulation. It is not clear if or how the missed residents would have voted.

It could be argued that the allegations which cannot be verified should be added to the allegations accepted to reach a total of potential referendum error. If the allegations not verified (28) are added to the allegations accepted (3), can this number, 31 of 63, be extrapolated to the referendum as a whole? No, because the 63 allegations do not constitute a random sample, since the efforts of one opponent and the media are likely to have skewed the sample. Similarly, it is not sensible to extrapolate from the households missed that a proportionate number of households were missed, or that the errors found were proportionate to those that might be found in the remainder of the referendum.

V. SUMMARY OF FINDINGS

a. Of the 63 allegations:

3 were withdrawn by the parties
28 were rejected, 27 because they voted, and 1 because they were outside the boundary of the referendum
28 could not be verified due to conflicting evidence
1 was not material to the vote result
3 were accepted.

b. The magnitude (2 per cent) of verified allegations is small. That percentage cannot be extrapolated, since the sample under investigation was not representative.

c. The methodology of the referendum company, while not perfect, was adequate, and was consistent with comparable companies and Branch guidelines.

d. No specific allegations of manipulation or collusion were made prior to commencement of the investigation. Three allegations were made during the investigation. One allegation was referred to the Ministry of Attorney General. Two allegations of forgery were dropped. This investigation did not find any evidence of collusion or manipulation of the referendum process or results.

e. There was error or imperfection on the part of the pollsters or the referendum company. One pollster, while demonstrating his good faith by repeat visits, and assisting people by filling out ballots at their request, nevertheless did make mistakes.

f. Some households did not receive enough ballots, which is attributed to error rather than to deliberate action to disenfranchise residents. However, these households were a small number in comparison to the total number of households surveyed.

g. Pre-vote campaigns by opposing and supporting groups may have confused the public, which may explain comments by residents that they were "canvassed" by the referendum company, but not provided with ballots.

h. Improvements in the procedures are possible, and necessary, and have been detailed in the recommendations section. Steps towards improving the process began in September, 1987, in consultation with the referendum companies, and a discussion paper on revised guidelines was circulated in April of this year.

i. One year has elapsed since the referendum, and the licensee has invested substantial time and money. Is it fair to impose a substantial penalty on the licensee because of error of this magnitude on the part of the referendum company?

j. At present there is no finality to the process. This is a fault general to all neighbourhood pub referendums. A significant procedural omission is the absence of any formal notification of the vote result to the residents, and the start of a time period for complaints or appeals. This is a long standing error of omission that dates back to the first neighbourhood pub referendum, conducted by the City of Vancouver in September, 1973.

k. Given the fluxion of time, the opportunities provided to residents to bring forward their concerns closer to the time the referendum was held, and the substantial investment by the licensee, the magnitude of error is not large enough to warrant overturning the referendum.

VI. RECOMMENDATIONS:

Any procedure can be improved, and the way neighbourhood pub referenda are conducted is no exception. There are flaws in the referendum procedure.

The following improvements are recommended:

a) standard form of ballot and OLN card, both to be numbered and to include the phone number and mailing address of the referendum company.

b) standard form of information sheets from the referendum companies.

c) standards for documenting each step in the process:
- no one home
- OLN card #___ left on date:____
- ballot(s)____ left on date:____.

d) clearer instructions to pollsters to ask and record on control sheets the number of voters per address and the names of eligible voters.

e) ballots to be completed at time of the pollster's visit or mailed in.

f) the selection process for referendum companies be altered so that the Branch (or possibly the municipality) makes the final selection. This will ensure there is no real or perceived conflict of interest, or question of the independence or integrity of the referendum company.

g) analysis of city directory or voting list records to more accurately establish the total number of eligible voters per household prior to conducting the referendum.

h) once referendum results are tabulated, the Branch places an advertisement, in the local newspapers of record, at the applicant's expense, advising interested parties of the result of the referendum and announcing a 30-day period in which complaints would be received or appeals may be launched.

Due to the small magnitude of error found in the Knight Street Pub Referendum, the fluxion of time, the prior opportunities for residents to bring forward their concerns, and the substantial investment by the licensee, it is recommended the result of the referendum stands.

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Note: The names and addresses of the residents in these appendices have been removed to protect their confidentiality. Names have been replaced with case numbers.

TAB 1

Case #56

Case #38-

SAYS MAN CAME TO THE DOOR SAYING DO YOU FAVOR A PUB AT KNIGHT AND 57 AFTER EXPLAINING WE ARE CONDUCTING A SURVEY. SHE SAID SHE DIDN'T FAVOR IT AND HE TURNED TO LEAVE. SHE SAID, DON'T I GET TO VOTE. HE SAID OH YEAH, AND GAVE HER A CARD. BUT NO CARD GIVEN FOR HUSBAND WHO WAS IN THE HOUSE.

Case #17-
HE WAS CANVASSED AND SAID NO. NEVER HEARD OR RECEIVED ANYTHING AGAIN.

Case #39
TWO BALLOTS WERE LEFT. TOLD TO KEEP IT. NO ONE EVER CAME TO PICK IT UP.

Case #52

Case #34- CANVASSER ASKED HER IF SHE WAS IN FAVOR OF PUB. SHE SAID NO. HE LEFT ONE BALLOT. NEVER ASKED IF THERE WERE ANY OTHER ADULTS IN THE HOUSE. SHE HAS A HUSBAND.

Case #47- CANVASSED BEFORE HAND WIFE SAID NOT INTERESTED IN A PUB. NEVER GOT ANY BALLOTS. SHOWED UP ON CITY PLEBISCITE MAP AS HAVING VOTED YES.

Case #40- 4 BALLOTS LEFT. CANVASSER PROMISED TO PICK UP LATER AFTER ABSENT PEOPLE SIGNED THEM. NEVER PICKED UP.

Case #62- VOTED NO. PLEBESCITE MAP SHOWS A BLANK INDICATING HE NEVER VOTED. HE HANDED HIS BALLOTS IN.

Case #35- CANVASSED AND INDICATED WOULD VOTE NO. ONLY GOT ONE VOTE. THERE ARE 9 ADULTS IN TWO SUITES IN THE HOUSE AND ALL WOULD HAVE VOTED NO.

LIST SUPPLIED BY DR. ANIL MANGAL, MAY 10788

Case #51

Case #57

Case #13

Case #26-
SOMEBODY CAME TO DOOR AND ASKED IF IN FAVOR OF PUB.
SHE SAID NO. THEY LEFT. NEVER HEARD ANYTHING AGAIN.
NEVER GOT A BALLOT.

Case #50

Case #7-
TWO LADIES CAME AND ASKED ABOUT PUB. HE TOLD THEM HE DIDN'T WANT ANY
AND THAT WAS THE LAST HE HEARD.

Case #28

Case #19

Case #58-
(RIGHT NEXT DOOR TO THE PUB)

Case #33

Case #2

Case #30

Case #33

LIQUOR CONTROL AND LICENSING
MAY 10 1988
VICTORIA

TAB 2

18 September 87

Mr. B. Hicks
General Manager
Liquor Control & Licensing Branch
Box 640
Victoria BC
V8W 2P8

Sir:

RE: Pub at 7289 Knight Street at East 57th Avenue, Vancouver
(second address: 1397 East 57th Avenue, Vancouver)

I have had occasion to discuss the Plebiscite with regard to the abovementioned Pub, with Mr. Gill Mervyn of the City Clerk's Office in Vancouver and with Mr. Brian Wilkinson of the Liquor Control & Licensing Branch in Victoria. Mr. Wilkinson assures me that the report received in Victoria is impeccable. However, discussion with the people in the community leaves no doubt that there were gross voting irregularities, e.g.

1. No registration or ballot material received, particularly by the residents who had voiced their opposition to the Proprietor during her canvassing prior to the voting.

2. People requesting three or five ballots, but being given only one ballot, especially if these were known to be opposed to the Pub.

3. Residents were told to keep their ballots to be picked up later, but no-one called back to pick them up.

4. No self-addressed or stamped envelope left by the company as they have alleged.

5. Residents visited by the Proprietor of the Pub after sending in requests for ballot material - clearly continuing canvassing by the Proprietor during the voting period. Incidently, they did not receive any ballots quite obviously because they were opposed.

The "Plebiscite Site Map" reviewed at the City Clerk's Office indicated a "YES" vote (green dot) at my address location. The record in the Liquor Control & Licensing Branch in Victoria indicates "NO BALLOT SUBMITTED AT THIS ADDRESS". Also of note was the absence of "NO" votes (red dots) on the properties that clearly voted "NO". The "Plebiscite Site Map" is therefore clearly inaccurate.

Mr. B. Hicks
Liquor Control & Licensing Branch
Victoria BC

All the above clearly indicate not only the inaccuracy of the "Plebiscite Site Map" showing the inaccurate ballot distribution within the community, but also bring into question the whole process of this Plebiscite with regard to the abovementioned Pub.

It appears that the Proprietor, canvassing both before and during the voting process, managed to get a "good feel" of the residents' views:

- Many "NO" votes were eliminated by not being given a chance to vote; some were given an inadequate number of ballots.

- When visiting the residents after they had received and mailed in their registration cards requesting ballots, some were given mis-information by the Proprietor that the voting was to occur in May. Clearly, this happened during the voting period.

All of the above provide definite evidence of gross voting irregularities. I therefore request you, Sir, to look into the whole Plebiscite process with regard to the abovementioned Pub with a view to take appropriate action, including conducting another Plebiscite if indicated. Thankyou.

Yours sincerely,

Anil K. Mangal, M.D., FRCP(C)
(Phone: 327-2249)
7243 Culloden Street
Vancouver BC

:jeb

copy to: Mr. Gill Mervyn
City Clerk's Office
City of Vancouver

LIQUOR CONTROL AND LICENSING
OCT 23 1987
VICTORIA

TAB 3

Province of
British Columbia

GENERAL MANAGER

Ministry of
Labour and
Consumer Services

Liquor Control and Licensing Branch
Parliament Buildings
Victoria
British Columbia
V8V 1X4
Phone: (604) 387-1254

October 30, 1987

COPY

Mr. Anil K. Mangal, M.D. FRCP(C)
7243 Culloden Street
Vancouver, B.C.
V5X 4K1

Dear Mr. Mangal:

This is to acknowledge your recent letter regarding the current application for a Neighbourhood Public House licence at 1397 East 57th Avenue, Vancouver, and the concomitant plebiscite.

I should note that your letter, dated September 19, 1987, arrived here October 23rd, and is postmarked October 19, 1987.

Insofar as you have already spoken with Bryan Wilkinson of my staff, you are aware that all materials submitted to this Branch by Delta Media Services Ltd. were thoroughly reviewed by him in early July.

Nevertheless, given the seriousness of some of the allegations raised in your letter, I am instructing a further review of this plebiscite.

The Branch will communicate with you again, either in the course of seeking a specific substantiation of those matters raised in you letter, or to relay to you the conclusion of our review.

Thank you for bringing your concerns to my attention.

Yours sincerely,

Bert Hick
General Manager

/ws

TAB 4

Province of British Columbia

Ministry of Labour
OFFICE OF THE MINISTER

MEMORANDUM

To:
Mr. Lee Doney
Deputy Minister

Date:
May 12, 1988

Re: Knight Street Neighbourhood Public House

As we have requested, we have now been presented with specific information regarding alleged improprieties in the plebiscite which was conducted as a condition of licence for the Knight Street Neighbourhood Public House. Accordingly, by way of this letter I am instructing you to conduct a thorough investigation into these allegations.

I would ask you to devote as many resources as required to complete this process, and report back to me as quickly as possible with your findings and recommendations.

Lyall Hanson
Minister

cc: Mr. Bert Hick
General Manager
Liquor Control and Licensing Branch

TAB 5

Province of
British Columbia

GENERAL MANAGER

Ministry of
Labour and
Consumer Services

Liquor Control and Licensing Branch
Parliament Buildings
Victoria
British Columbia
V8V 1X4
Phone: (604) 387-1254

May 13, 1988

The Household of

Dear Household:

In May of 1987, a referendum was completed in your community regarding a proposed neighbourhood pub to be located at 57th and Knight Street, owned and operated by V.A. Boyd Limited. The referendum was conducted by Delta Media Services of Delta, B.C.

The Liquor Control and Licensing Branch received written information on May 10, 1988, that you may have concerns with the way in which the referendum was conducted by Delta Media Services. Before we can investigate this matter further, I need to obtain an outline of your concerns with as much information as you could provide, regarding the handling of the vote(s) from your household, specifically:

(a) your conversations with the representatives of the polling company;
(b) when they came to your home to hand out ballots and record voters;
(c) were you given enough ballots;
(d) a physical description of the representative of the Delta Media Services ie. (male female) colour of hair, glasses, etc.

In order to obtain this information a liquor inspector is prepared to meet with you at a mutually convenient time and place to take a statement.

If you wish to be interviewed please call Mrs. Luella Nicholson of our Vancouver Office, at 660-7342, during normal business hours. In order that we may expedite your enquiry you must make your phone call before 4:30 p.m. on Tuesday, May 17, 1988.

Your assistance in this matter would be appreciated.

Yours sincerely,

Bert Hick
General Manager

cc: Mr. Bob Rivers, Chief Inspector
Liquor Control & Licensing Branch

TAB 6

Province of
British Columbia

GENERAL MANAGER

Ministry of
Labour and
Consumer Services

Liquor Control and Licensing Branch
Parliament Buildings
Victoria
British Columbia
V8V 1X4
Phone: (604) 387-1254

May 13, 1988

Dr. Anil Mangal
7243 Culloden
Vancouver, B.C.
V5X 4K1

Dear Dr. Mangal:

In October, 1987, Bryan Wilkinson of the Liquor Control and Licensing Branch, spoke with you on your concerns about the alleged impropriety or mishandling of the referendum for the 57th and Knight Street Pub. At that time he requested a list of names, addresses and specific evidence to support your allegations, for without this specific information we had no basis to conduct a further investigation. This was confirmed to you by my letter of October 30, 1987.

We most certainly regret any breakdown in communication that may have confused this issue. However, I would like to assure you that it is the firm policy of this Branch to investigate all specific grievances pertaining to pub referendums as we have done in other incidents.

On May 10, 1988, specific information was provided to the Branch by BCTV. We have written each resident who talked to BCTV requesting more information on their specific concerns. Attached is a copy of the letter we have sent to those residents.

As you have also alleged improprieties in the conduct of the referendum by Delta Media Services, I would appreciate receiving from you a statement on the details of your incident.

Yours sincerely,

Bert Hick
General Manager

Attachment

TAB 7

Province of
British Columbia

GENERAL MANAGER

Ministry of
Labour and
Consumer Services

Liquor Control and Licensing Branch
Parliament Buildings
Victoria
British Columbia
V8V 1X4
Phone: (604) 387-1254

FAXED MAY 13, 1988

May 13, 1988

Mr. Charles Giordano,
Delta Media Services Ltd.,
Ste. 201 - 7584 Vantage Place,
Tilbury Industrial Park,
Delta, B.C.
V4M 3T3

Dear Mr. Giordano:

Please be advised that the Liquor Control and Licensing Branch has been instructed by the Honourable Lyall Hanson, Minister of Labour and Consumer Services, to undertake an investigation into alleged improprieties and irregularities in the referendum conducted by Delta Media Services for V.A. Boyd Ltd.

To conduct this investigation, I have attached a list of questions and issues requiring answers from your company in order that we can assess the allegations.

Your answers to these questions should be faxed to my office as soon as possible, but no later than 3:00 p.m. Monday. Point form responses would be satisfactory as long as they are complete. You may be able to provide most of this information over the phone.

Upon receipt of this information, I will be in communication with you to obtain further information.

It is our intention to resolve this matter as quickly as possible.

Thank you for your assistance.

Yours truly,

Bert Hick,
General Manager.

BH/mf
Enclosure.

QUESTIONS

1. Was there a door to door campaign by individuals or a group opposed to the pub that you were aware of. If so, do you know of the name of the organizer.

2. Was there campaigning that you were aware of while the referendum was being conducted that you or your canvassers were aware of.

3. Did the applicant for the pub campaign door to door that you were aware of, and was there any campaigning while the referendum was being conducted.

4. Were your surveyors sent out to work individually or in pairs. Did you have two women working in pairs.

5. An allegation has been made that the referendum canvassers, if they encountered a household where they indicated opposition to the referendum, were left no ballots or as few as possible. Could you please comment on this.

6. The process used in the referendum. Was it the same or similar to those used in other referendums conducted by Delta Media Services Ltd. or more detailed.

7. What instructions, information were given to surveyors before they commenced the survey.

8. What instructions were given on how to note the markings and notations on control sheets concerning ballots and OLN cards.

9. Was address 1495 E. 53rd Street outside your referendum area.

10. What process was followed when nobody was home when surveyors called - how many call backs were made to residents.

11. How did Delta Media Services determine how many ballots should be left at each residence. How do you account for residents indicating that not enough were left.

12. How do we know an OLN card or ballot(s) were issued at an address. Is there a record of number of call backs, pick up of ballots or mail of ballots processed.

13. What was the procedure used in the ballots handed out, i.e. did surveyor see how people voted.

14. Did surveyors work in teams or individually and were there two women working together.

15. Were your staff and Delta Media Services instructed not to express opinions or to ask how a person was going to vote or would have voted.

16. Could you fax to us a copy of any written procedures or instructions you provided to pollsters that we may not

TAB 8

Province of
British Columbia

GENERAL MANAGER

Ministry of
Labour and
Consumer Services

Liquor Control and Licensing Branch
Parliament Buildings
Victoria
British Columbia
V8V 1X4
Phone: (604) 387-1254

May 13, 1988

Ms. Valerie A. McRobbie
President
V.A. Boyd Ltd.
7289 Knight Street
Vancouver, B.C.
V5P 2W9

Dear Ms. McRobbie:

Please be advised that the Liquor Control and Licensing Branch has been instructed by the Honourable Lyall Hanson, Minister of Labour and Consumer Services, to undertake an investigation into alleged improprieties and irregularities in the referendum conducted by Delta Media Services for V.A. Boyd Ltd.

To conduct this investigation, I have attached a list of questions and issues requiring answers from you in order that we can assess the allegations.

Your answers to these questions should be faxed to my office as soon as possible, but no later than 3:00 p.m. Monday. Point form responses would be satisfactory as long as they are complete. You may be able to provide most of this information over the phone.

Upon receipt of this information, I will be in communication with you to obtain further information.

It is our intention to resolve this matter as quickly as possible.

Thank you for your assistance.

Yours sincerely,

Bert Hick
General Manager

Attachment

Questions

1. Did you go door-to-door campaigning to promote your pub prior to the referendum being conducted? If yes, did you hand out any material? If yes, please provide us with a copy.

   - Did you do this alone or with help? If you had help please provide names and physical description.

   - Was the campaign conducted individually or in teams?

2. If you did campaign door-to-door, was it during the time when the actual survey was being conducted (when canvassers representing Delta Media Services were in the field)?

3. Are you aware of an organized campaign in opposition to your application, if so, did they go door-to-door, have a petition, etc. Any other relevant information would be helpful.

4. If you did campaign door-to-door, did you make notes or records on the comments of residents as to their opinions and views on your pub? If so, please provide.

5. Was there any communication or information exchanged between you and Delta Media Services on the conduct of the referendum, views of residents or residents of the area to be surveyed?

TAB 9

May 17, 1988

Mr. Bert Hick
Liquor Control & Licensing Branch
Parliament Buildings
Victoria, B.C.

Dear Mr. Hick:

Further to your Fax Memo of May 13, 1988, attached are the answers to your 16 questions.

Should you require any further information, please do not hesitate to contact me.

Sincerely

Charles E. Giordano
President
DELTA MEDIA SERVICES LTD.

QUESTION 1./ ANSWER

Yes, we had indications that there were as many as three different opposition groups campaigning against the pub on a door-to-door basis prior to and during the survey. We do not have specific names of organizers but we understand they were associated directly or indirectly with the Sikh community, the Chinese Baptist church, and Pennylane Pub.

QUESTION 2./ANSWER

Please refer to Answer No. 1, above.

QUESTION 3./ ANSWER

We are not aware of any campaigning by the applicant while the referendum was being conducted.

QUESTION 4./ ANSWER

Our canvassers were given the option to work individually or in pairs, resulting in some working individually and some in pairs, and in some cases two women working in pairs. This option was allowed mainly for security reasons and because of the time of day and darkness, etc.

QUESTION 5./ANSWER

Our surveyors were instructed in very clear terms to be totally neutral in compliance with the Liquor Control and Licensing Branch guidelines and the guidelines set out by our company (see attached). Each Surveyor swore a statutory declaration before commencement of the plebiscite in the form attached. To the best of our knowledge our surveyors remained neutral.

QUESTION 6. /ANSWER

The process used in this referendum complied with the guidelines set out by the Liquor Control and Licensing Branch and was all approved by the Liquor Control and Licensing Branch prior to commencement of the plebiscite.

QUESTION 7./ ANSWER

At a meeting which was held three days prior to commencing the survey, which was attended by all of the surveyors and staff of Delta Media Services Ltd., comprehensive guidelines (attached) for conducting the survey were given to the surveyors. Further to this, a meeting was held one hour prior to start of the survey with all of the surveyors and staff of Delta Media Services Ltd. for last minute instructions and questions.

QUESTION 8./ ANSWER

Canvassers were told to mark their control sheets as follows:

"Not Home" or "NH" ,or "Card left" (This refers to OLN Card).

"Ballot" or "Ballots left" (The number of ballots left at the premises or number of ballots collected were also to be noted on control sheets).

"Abstained"

QUESTION 9./ ANSWER

There is no 53rd "Street", but assuming you mean 53rd "Avenue", according to our Master map the address of 1495 - 53rd Avenue is within our referendum area.

QUESTION 10./ ANSWER

When nobody was home when the surveyor attended the premises, the surveyor was instructed to leave an OLN card on the premises, and to the best of our knowledge the surveyors complied with these instructions.

QUESTION 11./ ANSWER

We had no indication from any residents that they did not receive enough ballots, so we were unaware of this situation. Surveyors were instructed to leave the requested number of ballots for all "eligible" voters, and to the best of our knowledge the surveyors complied with these instructions.

QUESTION 12./ ANSWER

We refer to Question No. 8, which notations were made on the Master Enumeration Sheets. The Master Tabulation Sheets, which you have in your possession, record the number of ballots picked up and the number of ballots mailed in.

QUESTION 13. / ANSWER

Surveyors were instructed to hand the ballot to the voter and ask that they fill it in and return it to the surveyor folded. The surveyor then placed the ballot in a large brown envelope, sealed it, and turned it over to an officer of Delta Media Services Ltd. If a ballot was handed to a surveyor unfolded, the surveyor was instructed to fold it and also instructed to not look at the results of the vote. Strict confidentiality was pointed out to the surveyor. To the best of our knowledge these procedures regarding confidentiality were complied with.

QUESTION 14./ ANSWER

See Answer No. 4.

QUESTION 15./ ANSWER

Yes, our staff and Delta Media Services were instructed to NOT express their opinions and remain totally neutral. To the best of our knowledge no surveyor or staff member asked any person how they were going to vote or would have voted.

QUESTION 16./ ANSWER

See attached, as in Answer No. 7.

Charles E. Giordano
President
DELTA MEDIA SERVICES LTD.

GUIDELINES

Included in your Kit:

- clipboard
- folder
- map of area to be canvassed
- master enumeration sheets
- envelope to be used as ballot box
- identification
- ballots
- information sheets
- "not home" cards

As a surveyor, you are working for the Delta Media Services and thereby you do not represent any side in this plebiscite. Your job is to make sure, to the best of your ability, that all owners and residents within your area have the information and the opportunity to vote on this issue.

Some guidelines that must be followed:

- Every ballot must be received by Delta Media Services by May 22, 1987 in order to be counted. Voters may give the ballot to you at the door or they can put it in the mail.

- If they request identification please show them your authorization.

- Every voter must be 19 years or older and they must reside within that area.

- At a commercial address only the owner or manager of the establishment may vote.

- You must fill in the address and name of every voter within your area on the Master Enumeration Sheet. This is vital to the plebiscite.

- If no one is home - note the address and leave an information sheet and a card at the address.

- Stay within your boundaries!! Any lot that even touches our perimeter must be allowed to cast a ballot. Make sure, however, that you are staying within the boundaries outlined in your kit.

- The plebiscite must be conducted within the hours of 5pm to 9pm weekdays and between the hours of 12pm and 5pm on Saturday. This should make our at home rate as high as possible.

IF YOU HAVE ANY QUESTIONS, CALL OTHERWISE SOMEONE WILL BE IN TOUCH WITH YOU DAILY.

I _____ of _____

_____ do solemny declare that I have no personal interest in the outcome of the vote, or in the Neighbourbood pub business, to wit: the proposal for a Neighbourhood Pub at 7289 Knight Street, Vancouver, B.C.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at Delta
in the Province of British
Columbia this _____ day of
April, 1978.

_____

_____

T A B 10

Robert J. Palkowski

B.Comm., LL.B., M.B.A.
BARRISTER & SOLICITOR

Please refer to Our File No.
Your File No.

MINISTRY OF LABOUR & CONSUMER SERVICES
RECEIVED
MAY 19 1988
VICTORIA, B.C.

May 16, 1988

Ministry of Labour and Consumer Services
Liquor Control and Licensing Branch
Parliament Buildings
Victoria, B.C.
V8V 1X4

BY FACSIMILE

MAY 19 1988

Attn: Bert Hick

Dear Sir:

Re: Knight Street Pub, Delta Media Services

Further to your letter with respect to the above-captioned matter dated May 13, 1988, we write to advise that we have been retained by V.A. Boyd Ltd. to advise them in regard to improprieties being alleged by certain individuals and/or groups with respect to the referendum conducted by Delta Media Services.

We were in contact by telephone with your office on today's date in an effort to discuss the contents of the said letter, and in particular the response that was requested by you no later than 3:00pm today. However, since your secretary informed us that you were not in this afternoon, we were obviously unable to come to any consensus on this rather short-fuse request.

Please be advised that we will be meeting with our clients to discuss your letter, and the questions it raises, at 1:30 p.m. on Tuesday, May 17, 1988. We will then be in contact with you to hopefully obtain a speedy resolution of the apparent confusion that surrounds this issue. It is our intention to do everything possible, as quickly as possible, to facilitate any and all reaonable requests you may have. However, I am sure you realize, given the stress our clients have been under, and the media attention they have had to deal with over the last few days, that they need some time to reflect on the questions you have raised and to respond to them in a proper fashion.

We therefore thank you for your cooperation in waiting for a short period of time until we have had the opportunity to meet with our clients and address this matter as completely

1250 - 650 West Georgia St., Vancouver Centre, Box 11526, Vancouver, B.C., Canada V6B 4N7
Telephone (604) 684-1207 Telex 04-508338 Litigate Telecopier (604) 685-7100

Robert J. Palkowski
B.Comm., LL.B., M.B.A.
BARRISTER & SOLICITOR

MINISTRY OF LABOUR & CONSUMER SERVICES
RECEIVED
MAY 19 1988
VICTORIA, B.C.

as possible.

If you should have any questions with regard to this matter prior to tomorrow, please do not hesitate to contact the undersigned. I would be glad to assist you in any way I can.

Yours truly,
PALKOWSKI & COMPANY

BRAD C.S. WATSON

cc Valerie McRobbie

Robert J. Palkowski

B.Comm., LL.B., M.B.A.
BARRISTER & SOLICITOR

Please refer to Our File No.
Your File No.

May 17, 1988

Ministry of Labour and Consumer Services
Liquor Control and Licensing Branch
Parliament Buildings
Victoria, B.C.
V8V 1X4

BY FACSIMILE

Attn: Bert Hick

Dear Sir:

Re: Knight Street Pub, Delta Media Services

Further to our telephone conversation with Mr. Logan Stewart on yesterday afternoon, we write to confirm that we have met with our client as scheduled in an effort to resolve the controversy surrounding this matter as expeditiously as possible.

Our client continues to inform us that she has complied with every governmental procedure and policy directive which were made available to her from the very beginning of this licensing process. As the Knight Street Pub is now open for business after a very significant capital investment, both in terms of the Pub itself and in complying with the various requirements of both the municipal and provincial governments, our client is obviously distressed by the continued delay in obtaining final licensing, and by the continued allegations of impropriety surrounding this matter. Certainly, there has been no indication by the responsible governmental officials of any irregularity up until quite recently with the flurry of media activity. Our client has relied on the guidance and judgment of various officials, including especially the Liquor Control and Licensing Branch. As you are no doubt aware, the Branch sent a letter of approval to our client on July 7, 1987 indicating its approval of the Delta Media Services Ltd. survey, which survey only now seems to be coming into question.

It is the position of our client that it is very late in the day for this matter to be lingering, and she would like as quick a resolution as possible, as we are certain you would.

1250 - 650 West Georgia St., Vancouver Centre, Box 11526, Vancouver, B.C., Canada V6B 4N7
Telephone (604) 684-1207 Telex 04-508338 Litigate Telecopier (604) 685-7100

With respect to the list of questions forwarded to our client on the 13th day of May, 1988, we have garnered information which we trust will assist you in your current investigation. In particular, our client informs us that she did in fact conduct her own door to door survey of the neighbourhood surrounding the Pub prior to engaging Delta Media Services Ltd. to do a complete survey as required by the relevant Regulations to the Liquor Control and Licensing Act. This survey was conducted by our client solely to reaffirm her belief that this was an ideal location for a neighbourhood pub and beer and wine store, and that such a venture would have the support of local residents. It was and is our client's understanding that this type of survey did not in any way conflict with the relevant Regulations or guidelines.

Furthermore, our client is aware of what she would understand to be "organized campaigns" in opposition to her application. In particular, it is our client's understanding that the Chinese Baptist Church circulated a letter and/or petition throughout the neighbourhood in opposition to her application. As well, our client informs us that it is common knowledge within the area that the Khalsa Diwan Society has also made orchestrated efforts to defeat her application. However, our client does not have in her possession any documents that may have been circulated by these groups, nor can she speculate on their motives. Furthermore, it is also common knowledge that the proprietor of the Penny Lane Pub, located at 41st and Main Street, has also come out against our client's application. However, once again our client is not in possession of any material that may have been distributed by him, nor is she aware of the nature of his opposition.

Our client also informs us that she had no contact or communications with Delta Media Services Ltd. beyond retaining them for the purposes of the referendum and receiving their report when the same was completed.

We trust the above information will be of help, and we urge you to contact us if we can be of further assistance. In any event, the undersigned will attempt to contact either you or Mr. Logan Stewart in the near future in an effort to clarify your position on this matter. As we have implied, our client is surprised and somewhat dismayed by the recent controversy and sincerely hopes for a speedy resolution of it. She feels it is indeed unfortunate that an investigation at this time is necessary in view of the fact that over a year has passed since the now

impugned survey was conducted, and the Liquor Control Branch gave no indication of any irregularities at the time. In fact, our client would obviously not have proceeded with a project of this magnitude if she had any indication that there was a problem.

We therefore thank you in advance for your assistance on this matter, and, once again, urge you to contact us if further issues should arise.

Yours truly,
PALKOWSKI & COMPANY

BRAD C.S. WATSON

cc Valerie McRobbie

T A B 11

failed to investigate

11 May 1988

Mr. B. Hicks
General Manager
Liquor Control & Licensing Branch
Box 640
Victoria BC
V8W 2P8

Sir:

**Neighbourhood Public House License at
1397 East 57th Avenue, Vancouver
and the Concomitant Plebiscite**

In your letter dated October 30, 1987, you indicate that the Liquor Control & Licensing Branch will further review this plebiscite and that the Branch will communicate with me again. It has been over six months now and I am still awaiting your response.

I was very surprised to see the news media report that a liquor licence had already been issued and the abovementioned pub due to open within the next few days. It appears that you have not only failed to investigate, but in fact gone ahead and issued the liquor licence.

There is no doubt that there were gross voting irregularities. I am therefore taking the liberty on my own accord to supply you with the names of the following neighbours who were denied their right to vote during the abovementioned plebiscite.

A. <u>No registration or ballot materials received by the following residents</u>:

1. Case #51
2. Case #57
3. Case #13
4. Case #50
5. Case #28
6. Case #19
7. Case #2
8. Case #30
9. Case #33
10. Case #56
11. Case #52
12. Case #23
13. Case #53
14. Case #8
15. Case #24
16. Case #22
17. Case #58

11 May 88

Mr. B. Hicks
Liquor Control & Licensing Branch
Vancouver

FOLLOWING RESIDENTS DID NOT RECEIVE ANY REGISTRATION OR BALLOTS, BUT REMEMBER BEING CANVASSED:

1. Case #26
(Was canvassed by a man who asked, "Do you favour a pub at Knight and 57th?" to which she answered, "No." Never heard or received anything again.)

2. Case #7
(Two ladies came and asked if he favoured a pub, he told them, "Don't want it." Never heard or received anything more.)

3. Case #17
(He was canvassed and said, "No." Never heard or received anything again.)

4. Case #3
(A man said he was canvassing regarding the pub. He was told that they do not want a pub. He made a tick in his book and left. She did not receive or hear anything further)

5. Case #54
(A man came and said, "We are canvassing about the pub, do you wish a pub or not?" She told him, "Haven't thought about it." Never heard anything further.)

6. Case #5
(She was canvassed and said, "No." Never heard or received anything.)

7. Case #63
(She was canvassed and said, "No." Never heard or received anything again.)

8. Case #9
(Was canvassed and said, "No." Never heard or received anything again.)

9. Case #14
(She was canvassed and said, "No." Never heard or received anything again.)

Eligible Votes

10. Case 46
(A young man said he was taking a survey regarding the pub. She told him she is not in favour. Never heard or received anything further.)

11. Case 12
(Was canvassed and said, "Not in favour." Never heard or received anything further.)

B. Given an inadequate number of ballots:

1. Case 34
("A young man asked me to sign for the pub... I told him I do not want a pub. He let me sign and left. He did not ask for eligible voters, my husband was in the house and was not given an chance to vote.")

2. Case 39
("A man came to our house in an evening and said he was taking a survey for the pub at Knight and 57th and asked me if I favoured the pub. I told him, 'No, I did not favour the pub'. He started leaving, then I asked him, 'Don't I get to vote?' He said, "Oh, yeah." and gave me one vote which I voted "No". My husband was in the house and was not given a chance to vote. He did not even ask me about any other eligible voters."

3. Case 35
(Cavassed and indicated not in favour of the pub. Received only one vote, which was voted as "No", and the remained eight who did not receive any ballots would all have voted as "No.")

C. Residents told to keep ballots to be picked up later, but no-one called to pick them up. No self-addressed envelope provided:

Case 40
Case 39

Eligible Votes

D. Resident visited by proprietor after sending in request for ballots:

Case 33 2

(Received registration material in the mail. Sent in request in mail for two (2) ballots, then she was visited by the proprietor who asked this resident if she supported the pub, to which said "No". She did not receive any ballots at all.)

E. Voted "NO", but plebiscite site map shows "BLANK" suggesting did not vote at all:

Case 62 4

F. Did not receive ballots, therefore did not vote, yet the plebiscite site map shows voted "YES":

Case 47 2

As you can see, only a casual survey reveals over one hundred (100) eligible voters not given a chance to vote and their votes not properly recorded. The only thing common among these voters is that they were ALL OPPOSED and would have voted "NO!".

As mentioned in my letter, dated 18 September 1987, there was evidence of gross voting irregularities. It appears that the survey and the plebiscite were carried out by the same people. At least one person received ballot material from the person who indicated that he was conducting a survey. As implied in my previous letter to you, the evidence of irregularities lies in the community and in the neighbourhood of the pub where the people were denied their right to vote. And not in the material received by the Liquor & Licensing Branch.

Yours truly,

Anil K. Mangal, M.D., FRCP(C)
7243 Culloden Street
Vancouver BC V5X 4K1 (Telephone: 327-2249)
:jeb
c: Honourable Lyall Hanson, Minister of Consumer Affairs
City Clerk's Office, City of Vancouver
Alderman Carole Taylor, Chairman -
Neighbourhood Cultural & Community Services

T A B 12

16 May 1988

Mr. B. Hicks
General Manager
Liquor Control & Licensing Branch
Parliament Buildings
Victoria BC
V8V 1X4

Sir:

Neighbourhood Public House Licence at
1397 East 57th Avenue, Vancouver and the concomitant plebiscite

I am in receipt of your letter dated May 13, 1988. I would like to take issue with everything you said in the very first paragraph.

Firstly, when I spoke with Mr. Bryan Wilkinson of the Liquor Control & Licensing Branch, he did not request any list of names, addresses or specific evidence alleged in your letter, but rather assured me that the report he received from Delta Media Services regarding the Pub was "impeccable".

Secondly, your letter dated October 30, 1987 (copy attached) indicates, and I quote, "the Branch will communicate with you again, either in the course of seeking a specific substantiation of those matters raised in you letter, or to relay to you the conclusion of our review".

I can assure you, Sir, that the Branch did not communicate with me at all.

As I mentioned in my earlier letter to you dated 11 May 1988, (sent by courier), I took the liberty on my own accord to supply you with the specifics of the voting irregularities. I would like to add further names to the said list.

A. <u>No registration or ballot material received by the follcwing:</u>

1. Case #61
2. Case #45

3. Case #32
4. Case #60
5. Case #18
6. Case #20
7. Case #41
8. Case #16
9. Case #4
10. Case #59
11. Case #42

12. Case #27
13. Case #21
14. Case #43
15. Case #49
16. Case #10
17. Case #55
18. Case #44

1. Case #22

2. Case #25

3. Case #6

4. Case #48

5. Case #11

6. Case #15

B. Given an inadequate number of ballots:

Case #36
(Given only one (1) ballot which he voted "No". Four other adults not given any ballots at all, although he specifically requested four (4) additional ballots, but was told that they were not home at this time, therefore would not get any.)

Eligible Votes

Did not receive ballots, therefore did not vote, yet the plebiscite site map shows "YES" vote:

Case #29 2
(The plebiscite site map shows six (6) "Yes" votes, but there are only two (2) eligible voters.)

The list of eligible voters not given a chance to vote, or their vote not properly recorded, continues to increase dramatically. As I have indicated earlier, the evidence of irregularities lies in the community and in the neighbourhood of the Pub where the people were denied their right to vote. And not in the material received by the Liquor Control & Licensing Branch.

I am pleased to see that the Liquor Control & Licensing Branch is finally planning to meet with the neighbours in the community. I also hope that other neighbours who have expressed concerns, their names included above, will also be given an opportunity to make their statements. Thankyou.

Yours truly,

Anil K. Mangal, M.D., FRCP(C) (Telephone: 327-2249)
7243 Culloden Street
Vancouver BC V5X 4K1
:jeb

c: Honourable Lyall Hanson, Minister of Consumer Affairs
The City Clerk, City of Vancouver
Alderman Carole Taylor, Chairman -
Neighbourhood Cultural & Community Services

TAB 13

Province of
British Columbia

GENERAL MANAGER

Ministry of
Labour and
Consumer Services

Liquor Control and Licensing Branch
Parliament Buildings
Victoria
British Columbia
V8V 1X4
Phone: (604) 387-1254

FAXED - May 17, 1988

May 17, 1988

Dr. Anil K. Mangal, M.D., FRCP(C)
7243 Culloden Street
Vancouver, British Columbia
V5X 4K1

Dear Dr. Mangal:

I acknowledge your letter of May 16, 1988, received by courier last night. This letter also confirms your telephone conversation with our lawyer, Logan Stewart, at 7:00 p.m. last night, wherein he agreed that liquor inspectors would interview the persons named in yuour letter, provided those persons telephoned our Burnaby office and set up an interview appointment prior to 4:30 p.m. today.

The Branch is prepared to expand the enquiry to this extent, out of fairness to your position, but due to time constraints must conduct the interviews in the next several days.

Be further advised that those names contained in your letter of May 11, 1988, are also included in our expanded enquiry. Our Branch will contact them directly to determine if they wish to be interviewed.

Thank you for your assistance.

Yours sincerely,

Bert Hick
General Manager

TAB 14

INTRODUCTION

1. Were you contacted for the purposes of a survey during April 21 - 25, 1987, regarding a proposed Pub in your neighbourhood?

2. Were you contacted in person?

3. Did you receive a ballot and self-addressed envelope?

4. If not contacted in person did you receive an OLN card?

5. Did you receive enough ballots?

6. What instructions did you receive?

7. What did you do with the ballot?

8. What did the surveyor look like?

9. What did the surveyor discuss with you?

10. Did anyone else visit you with respect to the Pub?

    a. When?

    b. What was discussed?

11. Is there anything else you would like to say about the referendum?

12. Would you like to sign this statement?

T A B 15

APPENDIX "C"

INFORMATION SHEET FOR NEIGHBOURHOOD PUB

TO BE LOCATED AT 7289 KNIGHT STREET, VANCOUVER, B.C.

Valerie McRobbie of Vancouver has applied to the General Manager, Liquor Control and Licensing Branch, Victoria, B.C., for a permit to operate a licensed establishment on the premises situated at 7289 Knight Street, Vancouver, B.C. A map showing the location is provided on the back of this information sheet.

Because a Neighbourhood Pub is intended to serve the residents and businesses of the immediate community, a plebiscite is required by the Liquor Control and Licensing Branch, and the City of Vancouver to determine the degree of public support in the area.

All residents, 19 years of age or older, who live within 2,000 feet of the proposed site and all business owners or managers whose business premise is also within the 2,000 foot radius are asked to vote whether or not they support this proposal.

All distribution and tabulation of results will be conducted by Delta Media Services Ltd. Your name and address are required for verification purposes only. All information will be kept completely confidential.

A DESCRIPTION OF THE NEIGHBOURHOOD PUB

PROPOSED HOURS OF OPERATION:

- 11:00 a.m. until 12:00 midnight - Monday to Saturday (Closing times could be extended to 1:00 a.m. with approval from the Liquor Control and Licensing Branch.
- Closed Sunday (However, the Liquor Control and Licensing Branch does allow Sunday openings from 11:00 a.m. until 12:00 p.m.).

BUILDING AND LOCATION:

- The pub will be located at 7289 Knight St., at 57th Ave, and will accommodate 65 seats. The building will be sound-proofed to eliminate any noise problem.
- It will be owned by Valerie McRobbie, a longtime resident of Vancouver with many years experience in business and community relations.
- It will be run in a friendly neighbourhood house style.
- Parking: 29 parking spaces will be provided.

FOOD:

- A full course lunch and dinner menu will be provided.

ENTERTAINMENT:

- A variety of traditional pub games, such as darts, crib, etc. will be available.
- There will be soft background music - Not live band. A large TV screen for sporting events will be provided.

BEVERAGES:

- A choice of beverages including beer, cider, wine, spirits, tea, coffee, soft drinks and a variety of non-alcoholic drinks. Offsales of beer and cider will be allowed.
- The guidelines provide for the applicant to also apply for a license to operate a beer and wine store on the site.

SPECIAL SERVICES:

- Free non-alcoholic drinks will be provided for the designated driver of a group.

APPENDIX "D"

Please Detach before Mailing

WHILE YOU WERE OUT

A representative of Delta Media Services Ltd. called and did not receive an answer.

In order that the residents of your home over the age of 19 might be eligible to vote on the pub plebiscite, please complete the reverse side of this card (at right) and drop it in the mail. Particulars will be found on the attached Information Sheet.

THIS CARD MUST BE RECEIVED BY DELTA MEDIA SERVICES LTD. NOT LATER THAN : May 8, 1987

DELTA MEDIA SERVICES LTD..
5040 - 10A AVENUE,
DELTA, B.C.
V4M 9Z9

Postage will be paid by

Business
Reply Mail
No Postage Stamp
Necessary if Mailed
in Canada

Canada Post Postes Canada
0EB 8R30

Please Detach before Mailing

PLEASE NOTE

QUALIFICATIONS:

1. ALL PROPERTY OWNERS of the full age 19 years or over, who reside at the property address, or
2. ALL RESIDENTS of the full age of 19 years or over, who reside at the address, or
3. Businesses are entitled to one vote by the Manager or Owner.

Name	Address
Postal Code	Date

Please list the names of all persons 19 years of age and over, who reside, or operate a business, at this address in order that they may cast their vote on the Pub Plebiscite.

(Please Print) SURNAME	FIRST NAME and INITIAL

I certify the above persons are over the age of 19 and ordinarily residents of the above address.

SIGNED: _____

APPENDIX "E"

OFFICIAL BALLOT
PUB PLEBISCITE

№ 3987

ARE YOU IN FAVOUR OF A NEIGHBOURHOOD PUB PROPOSED TO BE LOCATED AT 7289 KNIGHT STREET, VANCOUVER, B.C.	*Yes*	
	No	

If in favour, place a cross X opposite the word "YES" above.

If against, place a cross X opposite the word "NO" above.

NAME _____

ADDRESS _____

TELEPHONE _____

I hereby certify that I am over the age of 19 and that the above address is my ordinary place of residence.

_____

Signature

This ballot must be received by Delta Media Services Ltd. not later than: May 22, 1987.

Business
Reply Mail

No Postage Stamp
Necessary If Mailed
In Canada

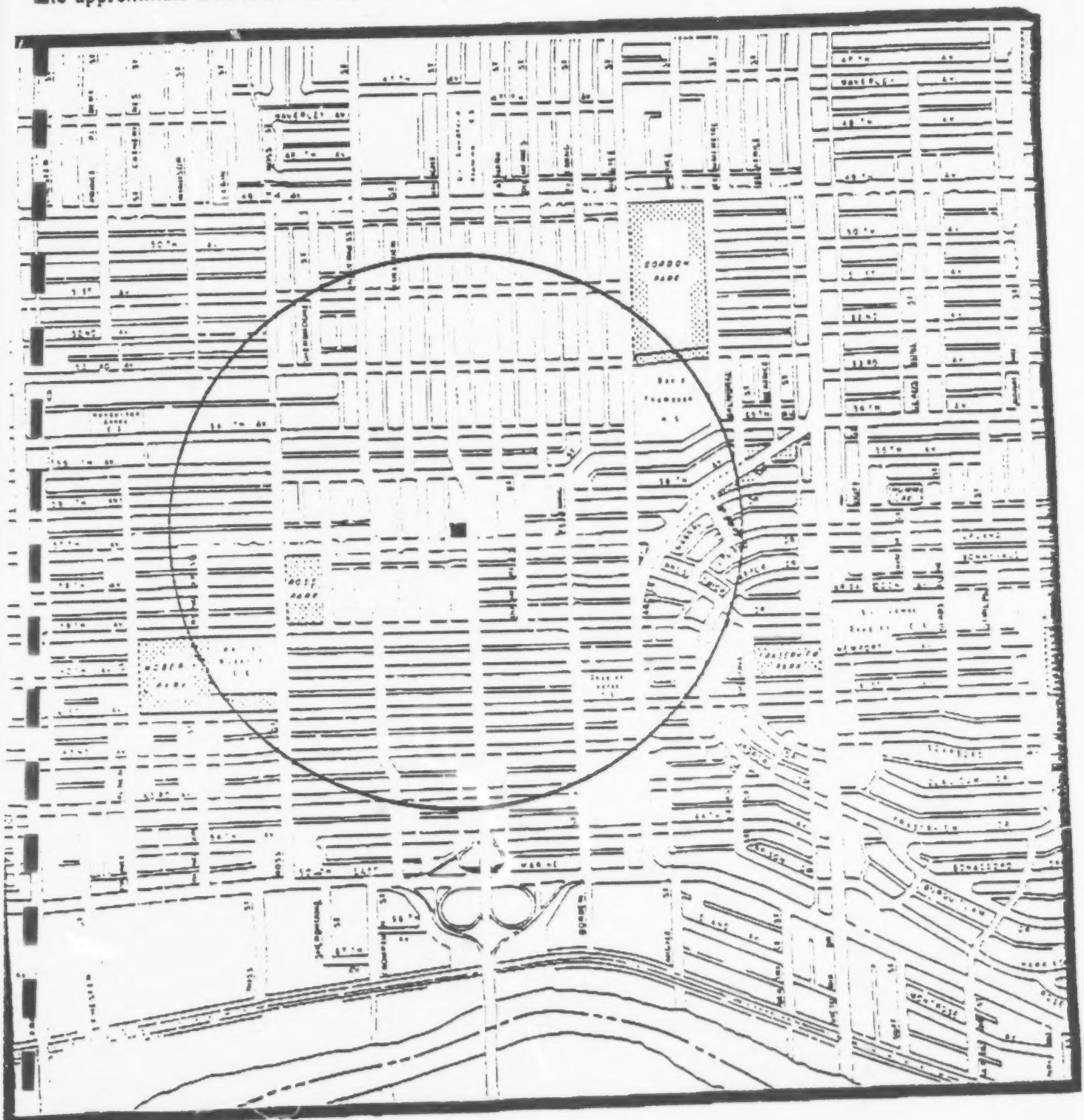
Postage will be paid by

Canada Post Postes Canada
BR30

APPENDIX "F"

DELTA MEDIA SERVICES LTD..
5040 - 10A AVENUE,
DELTA, B.C.
V4M 9Z9

The map illustrated below shows the location of the proposed Neighbourhood Pub (Public House) and the approximate area to be included in the plebiscite.



SITE OF PROPOSED
NEIGHBOURHOOD PUB (PUBLIC HOUSE)
7289 KNIGHT STREET

All persons who own property and reside in the area, or are otherwise residents in the area, or lease property and operate a business in the area, and are 19 years of age or over, are eligible to vote in the plebiscite to be held to consider this application.

T A B 16

17 May 1988

Mr. B. Hick
General Manager
Liquor Control & Licensing Branch
Parliament Buildings
Victoria BC
V8V 1X4

Dear Sir:

Neighbourhood Public House Licence at
1397 East 57th Avenue, Vancouver and the concomitant plebiscite

With reference to my letter to you dated 16 May 1988, please note the following corrections:

1. Delete from the list:

Case #41
Case #16

2. Spelling Correction:

Case #27
Case #43

Thankyou.

Yours truly,

Anil K. Mangal, M.D., FRCP(C) (Telephone: 327-2249)
7243 Culloden Street
Vancouver BC V5X 4K1
:jeb

c: Honourable Lyall Hanson, Minister of Consumer Affairs
The City Clerk, City of Vancouver
Alderman Carole Taylor, Chairman -
Neighbourhood Cultural & Community Services

T A B 17

Statement:

Mr. Pollster #1 (Telephone:)

19 May, 1988
Taken at 1899 Willingdon Avenue, Burnaby, B.C.

Ballots handed to

All the ballots are in my handwriting: (I did not mark all the x's on the ballots).

OFFICIAL BALLOTS AS FOLLOWS:

2053	2054	2055	2057
2059	2062	2072	2075
2078	2080	2097	2126
2156	2150	2145	2015
2018	2025	2029	2028
2030	2033	2034	2042
2046	2047	2051	

I did not mark "yes" or "no" myself on the ballots. I always asked the person to mark the ballot "yes" or "no." Some would say "you do it." Then I would make it "yes" or "no" as instructed by them. I would first hand them the information sheet, then the ballot. Then some would say "you fill it out." I would then write on the name and phone number.

I would ask them to sign and some did not want to sign. I would always hand them the information sheet before the ballot so they would understand what they are getting. When I marked in the ballot "yes" or "no" for them and they did not want to sign, I would fold it up and put it in the envelope. Some of the ballots, people would not give me names or sign them.

In April of 1987, I was employed as a surveyor for Delta Media Services Ltd. This job was for 4 1/2 days: 21 April, 1987 to 25 April, 1987 inclusive. This survey involved the Knight Street Pub at 57th & Knight Street in Vancouver. My instructions for the survey are the same as this sheet and we had a meeting at Delta Media Services Ltd. to go over the guidelines, (guidelines attached).

There was a lady from Delta Media Services Ltd. at the meeting who explained the guidelines to me as I had missed the meeting due to arriving late. I understand the guidelines (attached), I knew the guidelines before starting the survey.

In cases where no one was at home I would go back two or three times. Then, if there was still no one home, I would leave the information sheet, envelope, and OLN card.

MASTER ENUMERATION LIST:

Put in front of Mr.

Where I entered "not home" on the control sheet, I would return later and leave OLN card, envelope, and information sheet.

SIGNED:

I would like to say that I had trouble explaining the ballots and survey to some of the people as they did not understand English. Various nationalities.

I did not have any personal interest in the outcome of the survey. I do not know any of the residents in the area of the survey.

SIGNED:

Present during interview:
Mr. D. Bloriano
Mr. John Bauer
Mr. R.W. Rivers - Regional Manager
Mr. Brian Wilkinson - Licensing Officer

T.M. TAIT
INSPECTOR
AREA NO. 1
VANCOUVER

Attachment
TMT/ljn

GUIDELINES

Included in your Kit:

- clipboard
- folder
- map of area to be canvassed
- master enumeration sheets
- envelope to be used as ballot box
- identification
- ballots
- information sheets
- "not home" cards

As a surveyor, you are working for the Delta Media Services and thereby you do not represent any side in this plebiscite. Your job is to make sure, to the best of your ability, that all owners and residents within your area have the information and the opportunity to vote on this issue.

Some guidelines that must be followed:

- Every ballot must be received by Delta Media Services by May 22, 1987 in order to be counted. Voters may give the ballot to you at the door or they can put it in the mail.

- If they request identification please show them your authorization.

- Every voter must be 19 years or older and they must reside within that area.

- At a commercial address only the owner or manager of the establishment may vote.

- You must fill in the address and name of every voter within your area on the Master Enumeration Sheet. This is vital to the plebiscite.

- If no one is home - note the address and leave an information sheet and a card at the address.

- Stay within your boundaries!! Any lot that even touches our perimeter must be allowed to cast a ballot. Make sure, however, that you are staying within the boundaries outlined in your kit.

- The plebiscite must be conducted within the hours of 5pm to 9pm weekdays and between the hours of 12pm and 5pm on Saturday. This should make our at home rate as high as possible.

IF YOU HAVE ANY QUESTIONS, CALL OTHERWISE SOMEONE WILL BE IN TOUCH WITH YOU DAILY.

SUMMARY

NAME: MR. Pollster #1

DATE INTERVIEWED: THURSDAY, MAY 19, 1988

INVESTIGATOR'S COMMENTS:

It is the opinion of Inspector T.M. Tait, Licensing Officer, Brian Wilkinson, and the undersigned, that Mr. was truthful in describing the events that took place during the survey.

R.W. RIVERS
REGIONAL MANAGER
AREA NO. 1
VANCOUVER

Attachment
RWR/ljn

T A B 18

Analysis of Spoiled Ballots
On the Knight Street Referendum

This referendum had 95 spoiled ballots which subdivided as follows:

TOTAL SPOILED BALLOTS	95	
Spoiled voting "yes"	56	
Spoiled voting "no"	37	
Preference not marked	2	
TOTAL SPOILED BALLOT[illegible]R SURVEYOR #1	31	
Spoiled voting "yes" (unsigned)	9	Completed
Spoiled voting "no" (unsigned)	17	in Surveyors
Preference not marked	1	Handwriting
Spoiled "no" (out of area)	4	

T A B 19

NOTE TO FILE

Telephone conversation Saturday, May 21, 1988, between Logan Stewart and Pollster #1 , former employee, survey company, comprising question from Stewart, answers by Pollster #1

Question: Further to your statement of May 19, 1988, what was your procedure and controls for leaving OLN cards.

Answer: If no one home on first visit, I would go back for second or third visit. We worked four-hour shifts.

I would spend 3 hours of shift polling new houses and last hour doing returns from previous day - I could remember which houses to revisit because I would have done those houses day before.

Sometimes I would go back for third visit. I always left an OLN card before I decided to give up making return visits to that house.

This note, to the best of my recollection, assisted by notes made shortly thereafter, reflects my conversation with Pollster #1.

N. Logan Stewart,

Barrister & Solicitor.

May 24, 1988

TAB 20

Statement of Pollster #2 **taken May 24, 1988 at 1:55 p.m. at 217-1899 Willingdon Avenue, Burnaby, B.C.**

was asked by Bert Hick if is what her practice when conducting a referendum to go back to the premises and pick up the ballots. She said "no," that she would leave an OLN card and write on the master sheet "no one home."

When you wrote down "no one home what did you leave at the address: I left an information sheet, and an OLN card. On the card it was printed that they were to mail this card in to have their vote counted.

said that when she wrote "no vote" on the sheet, it meant they stated they did not want to vote. I asked for all eligible voters over the age of 19 years. If they said there were others, I would leave a card telling them where to mail it in to have their ballot counted.

Some of the people would ask for a card for their husbands and they said they would vote the same time as their husband did. In this case I left a ballot and a card for each and every voter. This was recorded on the Master Control Sheet by "left x amount of ballots."

Regarding , can you shed any light on that one? Did you ask if there were any others eligible to vote in that house?
answered that for every house she asked every household if there was anyone else in the house eligible to vote.
was asked if she remembered that particular house, house, however, she could not remember the house in particular.

My procedure in conducting the survey was to ask for name, telephone number, and to record the address. You would hand the ballot to the voter, who would fill it out and drop it into the envelope which I would hand to them to put the vote into. I would always ask if there was anyone else there over the age of 19 years. If there was anyone else, I would leave an OLN card, information sheet, and a ballot.

Regarding language breakdown, there were a few instances, mostly Chinese people. I would leave an OLN Card, information sheet, and would write on the control sheet "not home." There were cases where you know people were home but they would not come to the door in which case I would leave an OLN Card and an information sheet.

12

said she could not remember the household.

Regarding the allegations of said she would go to some house, and after asking if there were any others over the age of 19 years, in some cases 5-6 people over 19 would come out, and others kept coming.

When asked if assumed there was only one person living at a premise, she replied that "no, in most cases there were houses and you could not assume there was only one person living there."

When asked if people appeared to be hostile, said that "yes, a lot of people were hostile, they wanted to make sure that everyone who was eligible got a chance to vote. did not mind the hositility as she was impartial and did not live in the vicinity.

It was my standard procedure at each premise to ask if there was anyone else in that premise over the age of 19 years.

In terms of training before I started conducting the survey, I had received two hours training with , and we met each night for approximately 1/2 to 1 hour for instructions and guidance. The two hour training session with took place the day before I physically started conducting the survey.

The equipment that I carried was an instruction sheet, clipboard, folder, map of area, ballots, OLN Cards, envelopes, and identification button. In each and every case identified herself as a surveyor for Delta Media Services Ltd. regarding the pub to be built on Knight Street in Vancouver. In all cases where there was no communication problem I would hand the person a ballot and a pen, and ask them to vote. After they voted I would ask them to place the secret ballot in the envelope which I held out for them to put the ballot in.

Witness: _____

R.W. Rivers

24 May 88

T A B 21

INTERVIEW WITH POLLSTER #1 - MAY 24, 1988

Present: Bert Hick, General Manager
Bob Rivers, Chief Inspector
Peter Huska, Inspector
Mike Voynovich, Inspector

Representing Delta Media Services:

Mr. Charles Giordano

INTERVIEW WITH POLLSTER NUMBER 1 + CHARLES GIORDANO
MAY 24, 1988 AT 7:30 P.M. to 10:30 P.M. IN THE
BURNABY OFFICE OF THE LIQUOR CONTROL AND LICENSING BRANCH

The interview began with the review of the B.C. TV news of May 1988.

TRANSCRIPT:

Bert Hick:
The area we want to pursue tonight is to go back on the interview we had with you last week. There are a couple of areas we want to probe with you further. The first one we want to probe with you is the situation with respect to the household, and

Q: Is that the man that you dealt with on the doorstep, Mr. ? Do you remember him?

A: If I saw him again, sure. Who can say, you know it's been a year.

Q: I just wondered if you could reconstruct at all this situation. The allegation coming from the is that they were canvassed by a man who asked, "Do you favour a neighbourhood pub at 57th and Knight?", to which he answered "No." Never heard or received anything further. When an inspector went out, in this case it was that went out, that the investigation revealed the young man attended the door, the owner said he was against the pub; wife also yelled, "No." Survey person left without leaving cards or asking owners to complete official ballots. Both stated they did not mark a ballot, an "X", on ballot No idea who submitted this on their bahalf. Here is the ballot. Is that their writing or your writing on the ballot?

A: My writing.

Q: Would you help me out by explaining what happened here. You handed the ballot to them .....

A: I would say what I was supposed to say, ask them to look at the information sheet. I can't recall whether he was into talking with me, rude, whatever. He said, "Well, you go ahead and fill it out, I don't want a pub here, whatever." I said, "I have to get your signature." He said, "No, you go ahead, you fill it out."

Q: Your recollection then is that he probably told you to fill it out?

A; Yes.

. . . /2

Q: Your recollection then is that he probably told you to fill it out?

A: Yes.

Q: Did you hand it back for his signature?

A: I told him my comments and "here is the ballot." He said, "No, no, you fill it out." "Well", I said "I need your signature". He said "No, no, no, you just go right ahead and fill it right out, go ahead."

I am not saying this is what he said, I am just saying this is what happened in a few of the places that I went to. You know, I can't remember what he said word for word, or what he looks like, you know. Do you remember a bank teller you talked to a year ago?

Q: Looking back on it, your sense would be that you put in the information. Did you then hand it to him for signature, or hand it to the person for signature?

A: Yes.

Q: If they were reluctant, and some people agreed to sign and some poeple would not sign?

A: Yes, most people did agree to sign.

Q: But, in some cases they would not?

A : Yes. This is the statement I gave a week ago.

Q: I wanted to ask you specifically if you remember this one, because this is one where there were two issues here. The first issue has been covered. Now, the second issue. What were you, when you were trained to be a surveyor, either through Delta Media Services or a representative of Delta Media Services, were you instructed to, how were you instructed to determine how many residents were in a household who were eligible to vote?

A: I would ask them.

Q: You were told this was a question you should be ...

A: I would ask, "Is there anyone else living in the household over the age of 19?"

. . . /3

Q: The problem we have is that we have a couple of situations such as this one where one person was dealt with, but there was someone else in the house making statements like , who is stating that she yelled, "I'm no, too", or something like that, .. wasn't given a ballot or an opportunity to vote. Can you shed any light on that?

A: Well, every house that I went to, I would say, "Is there anybody else over the age of 19?". If the person said "Yes, there is", I would say, "Well, can I get him to fill out the vote?", you know, if the person came to the door. If he wasn't there, I would leave an OLN card for him to fill out and send in with the infomation sheet and the self-addressed stamped envelope.

Q: When you spoke to Mr. Logan Stewart on the phone the other day, I gather you had a practice of, when you are doing your referendums, do your area, then the last hour, going back to an area that you might have done the day before where there was nobody home, and doing those sorts of things?

A: Yes.

Q: In the course of that, did you ever tell people you would be back to pick up ballots?

A: No. If they were going to fill out ballots, there was one case. There was an East Indian family that he didn't want me to take them with me, he said, "This is a private ballot. I want an envelope to send it in myself." So I gave him a self-addressed, stamped envelope to send the ballot in.

Q: But in no case did you tell anyone you would be back to pick them up?

A: In no case.

Q: The process that you have whereby you would spend the last hour of your four-hour time of going back to revisit, was that something you were instructed to do by Delta Media Services or did you do that on your own?

A: It was mostly what I felt I would do. Giving my last hour to go back and see if there was anybody home.

Q: So it was your initiative to be thorough and make sure everybody had the opportunity to vote?

A: Yes.

Q: Who were you trained by for the Delta Media Services in terms of going from door to door, in terms of the process you should deal with,

A: I spoke with I was given a guideline and all materials.

Q: Were you, when you were instructed by on that, she made it very clear you should determine the number of residents of that household?

A: Yes.

Q: When you wrote on your control sheets "not home", and then address, what would you do when you go to a house where you had to make such a notation on the control sheet?

A: Go to the door, knock on the door, if no one anwers the door, leave an OLN card, self-addressed, stamped envelope and information sheet.

Q: And when the control sheet says "not home" or in some cases "NH", that means automatically that your standard procedure was to leave an OLN card?

A: After I had gone back.

Q: Did you note at all on your control sheets when you went back or how you went back? In memory?

A: No.

Q: It was memory?

A: Yes.

Q: This is an allegation from one individual at this address that he did not receive any call on the survey. Your notation there on her name is "not home" and you have the address noted. From this notation then, would it be accurate to say that you left an OLN card at this address?

A: Very accurate.

Q: Did you in any case find out in leaving an OLN card think that at some point in time someone could pick this up and throw it away or were there any situations that stick out in your mind?

A: Just leave them there. If the person takes it out of the mail box and throws it in the garbage, that is his business.

. . . /5

Q: Was your practice in all cases to leave it in the mail box?

A: Mail box or mail slots.

Q: Again, I have another control sheet for you to look at. It shows "not home", and an address. Again, what would your procedure be?

A: Just leave an OLN card, self-addressed, stamped envelope and an information sheet.

Q: I have one here that was interviewed. Is that your writing?

A: Yes, it is.

Q: This is a ballot filled out for a chap by the name of case ----. Do you recall, at all, the circumstances on this one at all?

A: Just that he didn't want to sign it himself.

Q: Did you at any time, when these people, they knew you were filling out the ballot for them , voting as indicated to you they wanted to vote, did at any time ... did you know, or did you tell the person that if they failed to sign it, it would be a spoiled ballot?

A: I would ask them to sign it. If they didn't want to sign it, there wasn't much I could do about it.

Q: So, they were given the opportunity to sign?

A: Yes.

Q: On this one here, case ---, is that your writing again?

A: Yes.

Q: And again, similar to the previous one, I would assume that would mean you had filled in the information?

A: Yes.

Q: Your process would be to turn it back to the person?

A: I would ask them their name, their address, whatever the infomation is, I would say, "Would you care to fill this out? Can I get your signature, please." They would say, "No, no, you go ahead and fill it out. I am too busy cooking dinner, whatever." I would say, "Well, what would you like to vote?" "No", I would make "No". I would say, "Can I get your signature?".

. . . /6

Q: I have one here for Case ---. Is that your writing?

A: Yes.

Q: Do you recall anything about that one?

A: All I can say is it was as before.

Q" Ballot number matched up on the control sheet which shows case ---. This was a complaint where we had an interview. It came in again. Is that your writing on that ballot?

A: Yes, it is.

Q: The other allegation from Case ---, is that, apart from not being given a ballot, that the household requires three ballots to vote. Do you at all recall this one?

A: No, but as I say, I would have asked them if there was anybody else 19 or older living there.

Q: The control sheet here doesn't indicate three ballots or not. In your practice on this referendum, do you find that sometimes when you knocked on the door, you found that people did not want to provide that information, or when you asked them the question "how many eligible voters were there in the house", they did not want to come forward with that? I am just trying to come to what your standard operating procedure was for when you asked the number of eligible voters; as to whether or not in some cases you found people did not want to provide that information.

A: The ones that did provide me with that information, they gave it freely.

Q: How about in the case of people who, if there were other ones who didn't want to?

A: There were at times. I can't say how many times, I could hear a voice in the distance, "I don't care, I don't want to vote," whatever, you know. I can't remember every circumstance.

Q: This is case #-----. Again, here is your control sheet highlighted there, and those that you had a question mark for the telephone, you weren't really able to substantiate that. Again, is that your writing on the ballot?

A: Yes.

Q: Here again, it might be a situation, where, do you think, you can reconstruct for me?

A: They wouldn't provide any information to me. A question mark meant that they would not give me their phone number.

Q: So again, you would approach them. Would you ask them the question as to how many voters were in the house?

A: Yes.

Q: And you would, at that time, ask them if they wanted to vote?

A: Give them the information, ask them if they would fill out the official ballot. If they said they didn't want to do it, I would say, "Okay, well, I will have to fill it out myself. Can you sign it?" If they didn't want to do it, put it in my envelope, and off I go.

Q: And they knew full well, and you knew full well, that it would be a spoiled ballot then?

A: I didn't have any idea what a spoiled ballot was.

Q: But the person was clearly given an opportunity to sign it?

A: Clearly.

Q: That is your statement, is it? The person was given an opportunity to sign it?

A: Yes.

Q: Continuing on, is that your signature on the control sheet?

A: Yes.

Q: I have another ballot. This one shows an enumeration case ----, we had this ballot come in. In that situation, can you recall if any part of that ballot is your handwriting?

A: All of it. No, not this, and this, and this.

Q: Which part?

A: Pen, blue pen.

. . . /8

Q: This is yours, ?

:

Yes, the black pen is mine. These are my initials here, , and I showed that the signature was down here.

Q: Is that their writing?

A: No, this is my writing.

Q: It is your writing, but is this their .. is that supposed to be a signature there?

A: No.

Q: Is that your writing?

A: This is my writing, right here.

Q: Did you encounter any hostility, where people sense you are trying to canvass them? You are starting to write down a vote, or trying to get someone to indicate how they would vote, others refused to?

A: Oh yeah, there was people who thought I was with the government; people thought I was not on target, or whatever it was, they wouldn't listen to me. If they slammed the door in my face, I would leave an OLN card in their mail box. There were a few of those people. East Indian people really. They were suspicious of me.

I don't have any other questions. Do you have any questions?

Bob Rivers:

Q: Just one. , you say that after finding no one at home, you returned the second time?

A: Second or third.

Q: Or third, and that is when you left the OLN card? Is it possible that you may have overlooked returning a second time to a residence and they claim that nothing was left in the mail box?

A: No, I was too thorough. I could say I might have, but I doubt it highly. I've got a pretty good memory when it's just been the day before. I would go down one street, remember all the "not homes", go up another street. Next I would go down my street from the day before, get all my "not homes", whatever, then the next day I would do the day after that.

. . ./9

Q: Did you make a check of the ones that you found no one at home? Then, return the second day or whatever?

A: I would write on my master enumeration sheet, "not home", and then when I looked that over, okay, I would go back to those sheets, and I know street by street where I'm going and how many times I have gone there.

Q: So it is just by memory that you....

A: Yes, there wasn't that many streets to do.

Q: When you wrote the "not home" on the list, was that the second time or the first?

A: First.

Q: You had that list the following day to refer to again, didn't you?

A: Yes.

Q: Were there any times when you amended the first trip around, like "not home", you scratch that out, and when you encountered people at that house? Were there times when you went back that you found people?

A: Yes.

Bert Hick:
Q: How did you work that?

A: I would just write over, put their name down underneath on the next line or something.

Q: How many times do you think that might have occurred?

A: Not often. I'm going back just about the same time at night. These people may be at work or they may be out drinking in a pub for all I know.

Q: Here, let me give you an example. I'll show you a list from a master enumeration list, where you had written down here one time, "not home". You had the address, then, "not home" was scratched out, and then you have somebody's name written there, and then you ..., so you must have made a contact on a visit, must have been a call back?

A: Yes.

. . . /10

Q: You made contact with someone, then you had a phone number here, and I see over here in the left-hand column it notes a ballot number, so obviously the contact was made on a return visit. That's the sort of thing you are referring to?

A: Yeah. Same like up here. Another one up here. Some people I would go to the door and knock, they wouldn't hear me. I would walk down the street and then they would come to the door, so I would go back to them.

Those aren't my numbers, are they:

Bert Hick:
No, those are written in when the ballot comes in to Delta Media Services.

Q: , at some of these homes, there might be a basement apartment with a side door walk in. You would concentrate on the main entry of the residence?

A: I would just go to the address that I had on my map. I don't think I noticed any basement apartments.

In most cases, they would tell. In fact, in just about all cases, people would say, "Oh, there is somebody else here in the basement suite."

Q: I would like to show you another control sheet from you. In several cases here it notes, particularly here, "not home". "Not home" is then scratched out and a name written in beside it complete with telephone number, and everything else. Is that another case of where you did your call back?

A: Yes.

TAB 22

INTERVIEW WITH POLLSTER #3

WEDNESDAY, MAY 25, 1988 at 10:00 a.m.

PRESENT:

Pollster #3
Bob Rivers
Bert Hick

LOCATION:

Burnaby Office - L.C.L.B.

Transcript Attached

Q: , we wanted to talk to you about the 57th and Knight Street Pub application for which you were a canvasser for Delta Media Services.

We are interviewing as many of the people who were involved in conducting the referendum as we possibly can, just to make sure we have a fair understanding of the processes that they use and what took place.

Basically what has happened, I don't know if you have been following the news on this or not, but what has happened is that there have been a number of people, a specific list on May 10, 1988, with allegations of impropriety in conducting this referendum and we are trying to put together the pieces in terms of what happened during the course of the referendum on the side of the referendum company, the people who were actually canvassing, and the residents of the area.

I don't have many questions for you because most of the issues did not arise in the area in which you were surveying. I do have a couple of specific ones for you.

First of all I want to ask you, when you knocked at a door and nobody was home, what were your procedures?

A: We had a guide we had to read, this was a while ago so I have sort of forgotten, I did many of these things (referendums), you know. When we took the initial training we were told to leave the, is it the ballots?, whatever we had to leave, I left, and I wrote everything down as to if I left things for them, or if I spoke to someone. I was pretty complete, I think.

Q: When you knocked on a door and somebody was home, what would you ask a person?

A: As I said, it was so long ago, it was to do with the pub that was opening up or supposedly opening up on Knight Street and 57th. The initial questions, I don't even know what they were now because it was so long ago. Whatever I was told to ask, I asked. If people were not too clear, I would try to explain it to them, that they were supposing to open a pub and we just wanted to know if they were for it or against it. It didn't matter to us because I don't even know the people who are involved or anything, it was just a job I was doing for these people.

Q: When you were trained and when you were out in the field, how did you determine how many voters and how many ballots you would leave when you got somebody at home?

A: We asked who was eligible to vote and we would leave that many ballots at the house.

Q: Did you experience any situations where people or anyone who asked for additional ballots for another member of the family who was over 19 years of age, you would have provided them?

A: Yes.

Q: In terms of the information, in terms of the notation system you used to go up to residents and there was nobody home, would you note that on what was called the Control Sheets?

A: Yes.

Q: What would you do then? Is that where you would then leave an OLN Card...

A: Yes.

Q: Do you, and one canvasser we have been trying to contact but I gather he has now left the Province and nobody can find a forwarding address for him, but one of the Master Enumeration Sheets he put forward for us he wrote in the words "no English." Did you encounter that at all when you were doing your door to door survey? I gather it is very ethnic up there?

A: It is. I don't think I did. No. I would have noted that if I had.

Q: What do you think this person might have done in a situation like this, I know I'm putting you into a hypothetical situation, since we can't contact this canvasser, the Control Sheet clearly shows in the person's handwriting that contact was made with this resident,

and contact must have been made with some individual at the house, I don't know how to determine that, but do you think that person would have left the information or, what would, I am not familiar with ...

A: I wouldn't think I would, because if he doesn't, what I try to do in a case like that is when someone answers the door and I ask is there anyone there who speaks English or will there be anyone there who can speak English, you know, there is strictly, if they don't speak English they won't do anything with it anyway, it will just go in the garbage, so I wouldn't leave anything.....

Sometimes there are elderly people in a home that their children go to school, I have done this in a lot of surveys, over the phone, too. In that case you would call back and speak with the person. In this case, I don't know who this man would have been. I wouldn't have left anything myself

Q: Is your writing on this Control Sheet?

A: Yes, that's mine.

This is one of the specific allegations that we have had come in. An allegation that came in is from this resident is that they did not receive, the initial allegation coming in to us was they did not receive any material, however, when we got letter from Dr. Mangel dated May 11th, the allegation was changed to say that these people received registration material in the mail, sent in requested mail for two ballots and they did not receive any ballots back.

I would have had nothing to do with that.

Q: No. Your practice clearly was where you made contact at that address, we mean where you wrote here on the Control Sheet, left ....that would mean you would have left .....

A: Yes, ...

Q: Did you work on this referendum by yourself in your area that you were assigned to, or did you work with somebody else?

A: I had a friend that just walked around with me, but I was doing it myself.

Q: Did you experience any situations when you were going door to door, knocking at doors, that you encountered some hostility from the people of the area, the residents, some very strong feelings. One of the things we are dealing with are people are saying that when people came to the door, they weren't given an opportunity to obtain a sufficient number of ballots for the rest of the household. I just wondered did you ever encounter any situation where people requested one, were people hostile, very abrasive, or whatever, and you had the sense that ...

A: No, I didn't. The only people in that area have very definite views and said the older people are against it, and just by the way he spoke. .....it didn't matter to me if they were for it or against it as I don't live in the area and it has nothing to do with me.....

Q: The other one too, that were wondering about was when you knocked on the door, was it difficult sometimes to ascertain or was it easy to ascertain the number of residents that were eligible to vote?

A: That's difficult to do because you have to more or less take their word for it. You can't really, what can you say if they say their son or daughter is at school or working, or whatever, you can't say you can't have a ballot because, you know.....You gotta take their word for it. This was, I found, difficult, it was a different situation, you really didn't know. When they say there is X amount of people in there, ..., that number of ballots.

Q: One other question I wanted to ask you was did you at all encounter a situation that you can remember, I recognize this is over a year ago, where someone may have said " well, you fill in the information, and you would write in on the ballot the person's name, their address, the telephone number, and they would tell you how they wanted to vote, and you would put in the X and then turn it back to them for signature?

A: No, I don't think I did that, I don't remember, I don't think I did. It could be in the case where a person couldn't write.

Q: So in all cases you just gave the ballot over to the person and have them fill in the information?

A: Yes, I think so, as far as I can remember.

Q: Did you call back at any of the houses afterwards .....

A: Just the one time.

Q: What were you instructions or were there any regarding calling back in the event there was no one home on your first visit?

A: Yes, we left the OLN Card ..... because we really didn't have the time to go back.

Q: But you left that card in all cases .....

A: Yes

Q: What were the instructions of the company that in regard, like, were you instructed that if you had the time, try and go back, or were there specific instructions provided on that .....?

A: No, they just said that we really didn't have the time to go back, ...two nights or something like that and .....

Q: Could you give us a little more detail of what the training consisted of, ...you took home the job and what happened there, you agreed to go and then .....

A: We had a meeting downtown ....in the office.....people, there was a girl there, ...doing so many different things.....

Q: What was her name? Was it ?

A:

Q:

A: . She went over with us .....

Q: Right before you started?

A: .....

Q: Essentially, what did she cover?

A: .....What the plebicite was all about and what we should do when we .....

Q: Did she give you some scenarios in terms of step by step what you should do when you arrive at the house, you know, people come to the door, and what you should do from there?

A: Yes, she was very thorough about that.

Q: Were there instruction sheets or anything like that given to you?

A: .....anyway, I just went according to what I was supposed to do because I .....so many of these things, you know, throughout the years that whatever they said to do, I did it.

Q: I don't think I have any more questions, is there anything you think you might be able to shed some light on in terms of this whole thing?

A: Well, I find it, just, well, I don't understand..... (typist note: tape-side 2).....very important issues.....have to be very thorough.....

Q: Based on your experience, how would you assess the way this particular program is set up?

A: Well, the only thing that bothers me about it is .....if someone said, for instance, ...that was a question mark to me, ...but then I don't know how you would get around that one.

Q: Should the organization of the survey itself be training, were you satisified .....

A: For myself.....

Q: A year ago today .....
is it possible to miss a house.....

A: I think it .....if you're not really watching what you're doing. If you keep your wits .....

Okay, I think that's all .....

I really appreciate you coming in today and answering some of these questions.

TAB 23

Interview with
Pollster #4
Wednesday, May 25, 1988
at 11:00 a.m.

Present: Pollster #4
Bob Rivers
Bert Hick

Location: Pollsters Residence

stated that she never told anyone that she would come back to pick up ballots as I did not have time. "I always left OLN cards or Ballots".

- She stated she always left an OLN card if nobody was home. If she encountered a home where she could not communicate she would try to use children of the family as translaters.
- was very clear that they were briefed before the referendum to:
  - ring door
  - if no answer leave OLN card
  - if answer identify self
  - state what you are doing
  - ask if person was over 19 years of age would you like to vote
  - if yes give Ballot
  - ask if there are any others in home eligible to vote, if so give ballots

This was the same line at all homes.

She stated that some households did not want to vote at all. She stated staff were trained as to what was required to be a valid ballot.

Bert Hick

TAB 24

Interview with pollster #5 -

Thursday, May 26, 1988 at 8:00 a.m.

Present: pollster #5

: Bob Rivers

Location: Burnaby Office

Transcript attached.

Q. Your name is

A. Yes that's right.

Q. And your address ..

A. It's

Q. And your phone number is

A. Yes that's right.

Q. It's 8:20 a.m., Thursday the 26th of May, right.

A. Right.

Q. Now the questions I wish to put to you is regarding the Knight Street Pub that you were a pollster, were you not.

A. Yes I was

Q. How long ago was that, that you were a pollster

A. I think that was about a year ago.

Q. Approximately one year ago.

A. Yes.

Q. And who did you work for.

A. For Delta Media Services.

Q. Out in Richmond.

A. Either Richmond or Delta, I'm not sure, we never.....

Q. Yes, yes, Richmond. And did you know the owner, or the boss of Delta Media.

A. I know a man, Charlie Giordano.

Q. Yes, yes, just one moment please.

Q. What training did you take when you started this job.

A. I think it was quite informal and I can't remember the exact details. I remember going to one womans house and sort of signing that, sorry she lived in an apartment in the west end or something, and I can't remember ever going anywhere other than that to have training. When we went to this womans apartment she told us basically what was happening, showed us the grid of the one kilometer radius around the pub and asked us to take on certain routes. I think she gave us our routes there at the time, went through the whole proceedure with us, what we would say to people and I think that session lasted for about

A. an hour so we were able to ask questions. There was just myself and one other person there and I think that's about the extent of it.

Q. How many days, or was that, how many days before you started your actual work, did that take place.

A. I would be guessing when I say about a week or two.

Q. Before that.

A. Yes.

Q. Were there follow up training sessions or evaluation of your work, as you went along.

A. We met every evening that we were doing the poll.

Q. Yes.

A. We met and informally and if anyone had any problems about any work I think that would be discussed. We would just all meet at the end of the evening.

Q. I see. And what was this lady's name that you said....

A. I don't remember her name, she was someone who worked for Delta Media Services on a contract basis.

Q. Yes and did Charlie attend any of these training sessions.

A. They weren't really training sessions. There was that one training session at the woman's house and then there was the informal meetings after the evening of polling and Charlie would usually attend some of those.

Q. Okay, essentially can you recall what they told you during the training period. What points did they cover.

A. About the proceedures for us to follow.

Q. Yes.

A. It's been a long time and I don't think I can remember verbatum but I think they said that we were to cover square in our area. We were given a map, not a map but a grid of all the squares marked and we were to go to every house and if a person, if someone came to the door, we were to go through the whole proceedure of getting them to vote and leaving ballots, or getting other people of the house to vote and if they weren't there then we were to leave something that they could send in to request ballots.

Q. No items.

A. And I guess that, and then we were given envelopes to put the completed ballots in and forms to use to check off, and pencils and I think we were given badges, I can't remember. I think we wore badges identifying outselves. So I think that's basically what happened. Sorry I can't remember more details.

Q. Okay, I'll just put some hypothetical cases to you, or scenarios, and maybe you could respond to those.

A. Sure.

Q. For proceedures. For example, if you were to go to a house and a lady who is obviously or a gentleman who is obviously over 19, that answered the door, what would you do, would you explain, for example what you were there for.

A. Yes.

Q. And what would you hand them. Would you hand them any type of documents or information sheet or anything like that.

A. I can't remember what all we had in our package but I handed them, if they said they wanted to vote, I would hand them a ballot, then I'd ask how many more people living in the house.

Q. Yes.

A. But I remember being very thorough about this and asking if there were basement suites and trying to go around to every basement suite too. So they would say how many people living in their house and so I remember asking people if they were over 19 and it sort of turned into a joke, after awhile I'd ask older people if they were over 19 and they loved it, but....

Q. Okay, now would the lady who answered the door, you'd hand her a ballot.

A. Yes.

Q. And now at any time did you ever complete a ballot on her behalf.

A. I don't think so. No.

Q. You wouldn't write her name on the form and have her sign it.

A. I can't remember ever doing that, but I wonder if someone wasn't able to write, if we would do that, I don't know, but I know that I would never sign anything.

Q. No.

A. I might fill in their addresses if they wanted me to.

Q. If they asked you to.

A. Yes.

Q. Do you recall any training in this regard, instructions as to whether you were not to complete a ballot for these people.

A. I'm sure they probably said that. I can't remember of that circumstances.

Q. What would they have said in training.

A. I'm sure they would have said that you were never to sign a ballot for somebody.

Q. Or complete it in any way.

A. I don't know if they ever said you were never to complete it in any way, I can't remember if they said that.

Q. Okay, so then you would give the person who was there a ballot and ask them to complete it. Would you put it in an envelope for them or would they put it in an envelope for you.

A. Well, I can't, were they to put it in an envelope.

Q. In an envelope I believe with the package.

A. Right. Well I guess if there was an envelope then they would put it in themselves.

Q. And hand it back to you.

A. Yes.

Q. Then you'd take it in.

A. I'd put it in my big mail envelope.

Q. Yes. And were there circumstances where they wanted a little time to talk to other people, or husbands, or in the case of wife before they sent the ballot it.

A. Yes, I think there were and they could mail it in themselves, we had self addressed stamped envelopes that they could use, yes.

Q. What covers the people or persons who you might see at the door,

Q. suppose this person said there was or there were other people who were eligible more than 19 years of age, living in the house but they weren't home but they would like to vote, you know. Did you pass some information on you that was to probably like to vote, what would you do in those circumstances.

A. I think that we would either leave ballots or leave a card for them to send in to get more ballots if we didn't have enough.

Q. Yes. But do you recall whether you'd leave a ballot for them or would you leave one of these, I believe they call them a OLN cards.

A. I think at the very beginning we would leave a ballot and then later on we left those cards. Were they called not in cards.

Q. Yes. They mean that. OLN I believe they called them, out leave notice cards.

A. Oh yeah.

Q. Do you recall those.

A. Yes. And we would definitely leave those in houses where there was no one home.

Q. Where would you put them.

A. Through the mail slot.

Q. You'd just leave one or did you leave more than one.

A. I think we only left one because you could specify how many ballots you'd like to receive.

Q. Yes, okay. Did you ever at any time return to a place to pick up a ballot rather than have them mail it in.

A. I don't think so, I think I returned to a place several times to speak to a person who didn't speak English. Someone would try to communicate to me that their relative was coming who could speak English at a later time. I'd say, well I'll come back then and do them.

Q. So you returned in those circumstances.

A. Yes.

Q. But if you left a ballot with someone, did you ever indicate that you would return to pick it up rather than their mailing it in.

A. I don't think so.

Q. No.

A. They had self addressed stamped envelopes so we didn't have to do that.

Q. So it's safe to say that was not a practise.

A. Right.

Q. Yes. You have seen these poll sheets of course, you had them. This is not yours, this is another one. Do you recall those sheets, master enumeration sheets.

A. Yes.

Q. This is not yours, it's another individuals control sheet.

A. I couldn't say that mine looked exactly like it, it's been so long ago, I can't remember.

Q. What method did you use or do you recall what method you used to indicate on your control sheet whether or not you left a ballot or whether or not you left a card for people. Maybe even in a house you might have left a ballot plus cards. Did you have any methodology to indicate on your control sheet what you did.

A. I think that I remember taking a lot of notes in pencil on a separate piece of paper too, if I didn't have room on my control sheet.

Q. Yes.

A. I remember carrying around a binder and scads and scads of things, I remember being really loaded down with papers. I was making notes on all sorts of things.

Q. I see. You don't recall whether you made check marks or some people, for example, made tick mark and then would, you know there were different ways. Was there any instruction in that regard.

A. I think that they sort of left it up to our discretion.

Q. Yes. Now just getting back to the point that there were, there was someone at a residence that could not speak English sufficient to understand what you were trying to do. Were there times when maybe a child or someone would come to interpret.

A. Yes. I remember speaking to one family that I'm sure I'm the first North American that they ever spoke to. It was really quite nice, that we shared, they gave me an apple, they had to give me something. I tried to make known what I was doing as its the most abstract of ideas to someone who you're trying to speak to in a concrete way and

A. finally..... I told them through the child what I wanted to communicate to them. I remember trying really to get this idea across to people. It was hard.

Q. Did you know anyone in that neighbourhood.

A. Who lived there.

Q. Yes.

A. No I don't think so.

Q. Did you have interest at all as to the outcome of the ballot.

A. No and people that asked me if I would tell them the results as I was going along, I said no, that I didn't know and also that I couldn't say.

Q. So it's fair to say that you're totally unbiased.

A. Right. And I would tell people, that too, they would say which side are you working for and I'd say I'm not working for either side.

Q. During your visits to these houses was there any indication to you from any of the residences that there had been other people in the area possibly enumerating that might have been confusing to them because it's my understanding there were people taking samplings of wheter or not the general community was in favour or not by different groups, interested groups there. Did anything like that come to your attention.

A. I think I remember people saying, oh you're coming around again for that pub, or something. Something to that effect.

Q. That would indicate that other people had done some of the similar things.

A. Yes.

Q. Have you anythink else you'd like to add.

A. I don't think so, only that it was a long time ago and I was working on another job during the day, so I'm sorry I can't remember more and I don't have the notes that I, I told you I made some notes but I threw them out soon after this whole thing was over.

Q. Yes. Well I sure appreciate the time and you know it's difficult to remember all the intricate parts in different projects like this.

A. Yes.

Q. Well that's fine. Might as well conclude that then, that point then and I appreciate very much your coming in.

A. Okay, thanks.

Q. Thanks very much.

TAB 25

A.

7314 Laburnum Street
Vancouver, B. C.
V6P 5N3

September 8, 1986

Office of the General Manager
Liquor Control Licensing Branch
Ste. 217 - 1899 Willingdon Avenue
North Burnaby, B. C.
V5C 5T1

Dear Sirs:

In accordance with the requirements for application for a Neighborhood Pub, I herewith enclose the following documents:

1. Letter from Whitbury Holdings Inc. of intent to lease the site;

2. Letter from the City of Vancouver indicating they are willing to consider the site;

3. Statement of Proposed Owners.

Thank you for your consideration.

Yours very truly,

Valerie A. McRobbie

Encls.

STATEMENT OF PROPOSED OWNERS

(PRE-CLEARANCE APPLICATION)

The persons named below are those who will be participating in a proposed NEIGHBOURHOOD PUB at 7289 Knight Street, Vancouver, B. C.

FULL NAME	ADDRESS	% INTEREST
Valerie A. McRobbie	7314 Laburnum Street	100
	Vancouver, B. C.	

I understand that if the Liquor Control & Licensing Branch grants a Licence it will be to no one other than the above persons or to a corporation composed of them as shareholders.

SIGNATURE

Valerie A. McRobbie

NAME (PRINTED)

September 8, 1986

DATE

September 5, 1986

Mrs. Val McRobbie
7318 Laburnum
Vancouver, B. C.

Dear Mrs. McRobbie:

Re: 7289 Knight St.

Please consider this letter as our acceptance to lease to you approximately 4,000 square feet for a Neighbourhood Pub and a Beer and Wine Store on the following terms:

Area:	4,000 square feet.
Rate:	$20.00 per square foot. Triple Net lease.
Term:	Ten years. Renewal 5 plus 5 years at rental to be negotiated.

This acceptance is for a period of ninety days from the above date, which should give you sufficient time to obtain the necessary approvals.

Yours very truly,

WHITBURY HOLDINGS INC.

Peter C. Toigo
President

PCT/gp

SEP 9 1986

SEP 16 1986

WHITBURY
HOLDINGS INC.

5451 TRUNK ROAD
DELTA, BRITISH COLUMBIA
CANADA V4K 1W6
(604) 946-7644

DIRECTOR
R.V. Hebert, P.Eng.

ASSISTANT DIRECTORS:
K.D. Armstrong — License & Business Tax Division
J. Penn — Property Use Division
R.L. Maki, P.Eng. — Permits & Inspection Division

City of Vancouver

PERMITS & LICENSES DEPARTMENT
City Hall, 453 W. 12 Ave.,
Vancouver, British Columbia
Canada V5Y 1V4.
(604) 873-7011

Please refer to:

August 15, 1986

Ms. Valerie A. McRobbie
7314 Laburnum Street
Vancouver, B.C.
V6P 5N3

Dear Madam:

Re: 7287 - 7289 Knight Road

In reply to your letter of August 11, 1986, I advise that the above building is located in a C-1 Commercial District. Under the provisions of the Zoning and Development By-law, the Director of Planning may, as a conditional use, approve a neighbourhood public house.

Yours truly,

J.C. Handkamer for
R.V. Hebert, P. Eng.
DIRECTOR

JCH/pmb/0628A

TAB 26

DEPUTY GENERAL MANAGER
LICENSING

Consumer Services

Victoria
British Columbia
V8W 2P8
Telephone: (604) 387-1254

January 8, 1987

Ms. Valerie A. McRobbie
7318 Laburnum Street
Vancouver, B.C.
V6P 5N3

Dear Ms. McRobbie:

RE: APPLICATION FOR PRE-CLEARANCE - "D" CLASS LICENCE
AT: 7289 KNIGHT STREET, VANCOUVER, B.C.
APPLICANT: McROBBIE, VALERIE A.

I refer to my telephone conversation of today's date in respect to your application for pre-clearance of the above mentioned site for consideration as a "D" Class Licence.

As stated in my letter of December 11th, 1986, an inspection has been made and this Branch is prepared to consider an application from you for that site. The maximum number of patrons allowed in this establishment will be 65. Please note that this is not the promise of a licence, it merely indicates that the site meets the basic requirements of the Branch.

Your next step includes a resolution from the local municipal or regional authorities approving the granting of the indicated licence.

I suggest that you might also contact the Inspector for your area who will advise you further steps including advertising your intention in the newspaper, as well as the requirements for the referendum that is to be conducted. The advertising must take place at least three weeks before the referendum is conducted.

The Inspector for the area is: Inspector Nelson, located at: #217 - 1899 Willingdon Avenue, Burnaby, B.C. V5C 5T1, telephone: 660-7323.

cont.....2

I advise before any construction is commenced for these premises, the plans must be approved by this office.

Note that this pre-clearance expires three months from this date unless renewed prior to expiration. If we do not hear from you before the pre-clearance expiry date, we will view your position as being invalid and will entertain other submissions in your area.

Yours truly,

D.E. Andersen,
Deputy General Manager
- Licensing

DEA:ldc
cc: Inspector Nelson
City of Vancouver
P. Toigo

THIS IS CENTRAL
RECORDING SYSTEM
PCA870108
NO.

T A B 27

NOTICE OF INTENT
RE: LIQUOR CONTROL AND LICENSING ACT
APPLICATION FOR "D" (NEIGHBOURHOOD PUBLIC HOUSE) LICENSE

It is the intention of the undersigned to apply; pursuant to the provisions of the Liquor Control and Licensing Act, to the General Manager, Liquor Control and Licensing Branch, Victoria, B.C. for a Neighbourhood Public House licence to operate a licensed establishment on the premises situated at:

7289 Knight Street

Applicant Valerie McRobbie

The above type of licence permits the sale of all types of alcoholic beverages by the glass on the premises for 14 continuous hours, between 9:00 a.m. and 12:00 midnight, Monday through Saturday. Hours may be extended until 1:00 a.m. but only on Fridays and Saturdays. Sunday hours are also permitted between 11:00 a.m. and 12:00 midnight. This type of licence also permits the sale of beer, cider and coolers by the bottle for consumption off the premises.
An independent survey of the residents located within a 6 block area or 1/2 mile radius of the site is to be conducted by:

Delta Media Services Ltd.
5040 - 10A Avenue
Delta, B.C. V4M 1X8

Residents of the area should ensure that they cast their votes on this survey. Any additional expression of opinion on the proposal may be written to:

GENERAL MANAGER
LIQUOR CONTROL AND LICENSING BRANCH
P.O. BOX 640
VICTORIA, BRITISH COLUMBIA
V8W 2P9

Written opinions must be received by April 14, 1987 to be considered.

Mar 22/87

NOTICE OF INTENT
RE: LIQUOR CONTROL AND LICENSING ACT
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P.O. BOX 640
VICTORIA, BRITISH COLUMBIA
V8W 2P9

Written opinions must be received by April 14, 1987 to be considered.

Mar 29/87

plant
23. Chinese measure

[redacted]

NOTICE OF INTENT
RE: LIQUOR CONTROL AND LICENSING ACT
APPLICATION FOR "D" (NEIGHBOURHOOD PUBLIC HOUSE) LICENSE

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Applicant Valerie McRobbie

The above type of licence permits the sale of all types of alcoholic beverages by the glass on the premises for 14 continuous hours, between 9:00 a.m. and 12:00 midnight, Monday through Saturday. Hours may be extended until 1:00 a.m. but only on Fridays and Saturdays. Sunday hours are also permitted between 11:00 a.m. and 12:00 midnight. This type of licence also permits the sale of beer, cider and coolers by the bottle for consumption off the premises.
An independent survey of the residents located within a 6 block area or 1/2 mile radius of the site is to be conducted by:

Delta Media Services Ltd.
5040 - 10A Avenue
Delta, B.C. V4M 1X8

Residents of the area should ensure that they cast their votes on this survey. Any additional expression of opinion on the proposal may be written to:

GENERAL MANAGER
LIQUOR CONTROL AND LICENSING BRANCH
P.O. BOX 640
VICTORIA, BRITISH COLUMBIA
V8W 2P9

Written opinions must be received by April 14, 1987 to be considered.

Mar 15/87

TAB 28

March 4,1987

Hon. Russel Fraser, MLA
#320-6330 Fraser Street
Vancouver, BC
V5W 3A4

Dear Sir,

Residents from twenty-two hundred homes were given the opportunity to attend a public meeting to consider an application for a neighborhood pub.

The applicant, Ms. Valerie McRobbie, has requested permission to operate a public house at 7289 Knight street and 57th avenue. Pre-clearance has been granted by the Province of British Columbia from the Ministry of Consumer and Corporate Affairs.

After attending the public meeting conducted by chairperson Gil Mervyn on March 25, it appeared that the pre-clearance requirements of the Liquor Control Licensing Branch were not met. Specifically, the requirements specified in section 5(4) and 17(4) were ignored and the pre-clearance to the applicant was allowed to proceed.

Also, no mention was made of the LCLB restrictions on ownership of a neighborhood pub. Ms. McRobbie represented herself as the operating manager of the public house, while no mention was made of the fact that Whitbury Development, of 1126 SE Marine Drive, will possess financial control. If I may quote a LCLB brochure on neighbourhood pubs, "The Branch considers that a neighbourhood public house is not the type of establishment where it is appropriate to have multiple or chain ownership." The address of Whitbury Development also happens to be the address of a White Spot Restaurant, and I suspect that more than one individual would hold ownership should this application be approved.

I believe for the above reasons that the upcoming plebiscite should be reviewed, and, if necessary, cancelled. I shall look forward to your reply on this matter.

Yours Truly,

FILE NUMBER
2-2-2
ROUTING
GM See
mk
RELEASED
FOR FILING

Copy to:
Gil Mervyn
City Clerks Dept.

BK/tk

TAB 29

British Columbia

GENERAL MANAGER

Labour and
Consumer Services

Parliament Buildings
Victoria
British Columbia
V8V 1X4
Phone: (604) 387-1254

July 7, 1987

Mrs. Valerie McRobbie
4029 Vine Street
Vancouver, B. C.
V6L 3C1

Dear Mrs. McRobbie:

Re: Application for "D" Class Licence
At: 7289 Knight Street, Vancouver, B.C.
Applicant: McROBBIE, VALERIE A.

This is to inform you that we have received and analyzed the results of the survey conducted on your behalf by Delta Media Services Ltd. for the neighbourhood public house site mentioned above.

As more than 60% of those persons who voted were in favour of a neighbourhood public house at that site, it is now in order for you to proceed to the next step in the licensing procedure.

Please contact your liquor inspector in Burnaby so that he can guide you accordingly.

Yours truly,

for Bert Hick
General Manager

/wf

cc: Burnaby Office

TAB 30

British Columbia - Labour and Consumer Services

Parliament Buildings
Victoria
British Columbia
V8V 1X4
Phone (604) 387-1254

July 28, 1987

Mrs. V. McRobbie
4029 Vine St
Vancouver, BC
V6L 3C1

Dear Madam:

This letter is to acknowledge receipt of plans for your proposed Neighbourhood Public House at 7284 Knight Street, Vancouver.

To confirm our telephone conversation this date, please forward a copy of plans with Health stamp approval. Upon receipt I will stamp these "approved in principle" and return one copy to you. Until the freeze on Licensee Retail Stores is lifted, I will be unable to comment on that aspect of your proposal.

Please phone me at 387-1254 if you have any questions.

Yours truly,

P. Loudon
Licensing Administrator

PL/lm

Sept 15/87 Rec'd
- plans w/Planning Committee
- pd, stamp & returned
- returned

T A B 31

City of Vancouver

In reply, please refer to:
Benny Mah at 873-7753.

PLANNING DEPARTMENT 453 West 12th Ave Vancouver British Columbia Canada V5Y 1V4 (604) 873-7344

Ray Spaxman, Director

1987 08 20

Dear Sir and/or Madam:

1397 East 57th Avenue
Development Permit Application Number 206258

This is to advise you that the Director of Planning has received a development permit application requesting permission to construct a neighbourhood public house development with a beer and wine store at the above-noted site.

The proposed development is a "conditional" use in accordance with the provisions of the Zoning and Development By-law.

The plans submitted with the development permit application indicate:

1. a neighbourhood public house with a seating capacity for 65 persons and a public use area of approximately 1,360 square feet, and a beer and wine store of approximately 400 square feet located on the southwest corner fronting East 57th Avenue;

   Note: Following a plebiscite concerning the proposed neighbourhood public house and beer and wine store, City Council at its meeting of July 21, 1987 recommended approval of the site for a neighbourhood public house development with a beer and wine store.

2. off-street parking spaces, loading/unloading spaces and manoeuvring aisle on the northerly portion (Lot 66) of the site having vehicular access from Knight Street and the rear lane;

   Note: Lot 66 (North) is zoned RS-1 (residential). In accordance with the RS-1 District Schedule, a parking area ancillary to a principal use on an adjacent site can be consicered by the Director of Planning.

3. off-street parking spaces and manoeuvring aisle at the rear of the site (Lots 67-69) having vehicular access from the rear lane.

... 2

1091 + 1
Aug 20/87
JB

You, as a neighbouring property owner, are invited to comment on the proposed development, having particular regard to the aspects of the proposal which directly affect you. Should you have any opinions on this matter, please direct them, in writing, to this Department on or before September 3, 1987.

The plans submitted with this application may be viewed at the Zoning Counter, Second Floor, East Wing of City Hall during normal working hours.

Comments received as a result of this notification will be one aspect for consideration during the review of this development permit application; however, the Director of Planning must also have regard to relevant By-law regulations and established Council policies and guidelines. If the development meets the requirements, a development permit may be issued.

Yours truly,

Benny Mah
Plan Checking Technician
Development Permit Group
Zoning Division

BM/jb

NOTE FROM MARIA KINSELLA, CITY CLERK
MAY 12, 1988

This notification letter was sent to 109 properties - 6 objectives were received by the City complaining about traffic and general noise; devaluation of property; parking problems; street safety and increased crime.

Note - Normally the City does not carry out a development permit application where there has been a pub plebiscite, but it was done on this occasion because one of the lots to be used for parking is in a RS-1 (single family zone) and, therefore, a conditional use.

TAB 32

LIQUOR CONTROL AND LICENSING BRANCH

GUIDELINES FOR REFERENDUMS CONDUCTED BY THE APPLICANT

AREA FOR CONDUCT OF REFERENDUM

1. The referendum will be conducted amongst all of the residents within a _____ or _____ block radius of the site, to be calculated from its legal property lines.

2. The General Manager may require additional analysis of the referendum results within the prescribed radius, for example; those persons immediately adjacent to the site.

PERSONS TO VOTE ON REFERENDUM

3. Persons "voting" will be residents living within the prescribed area and being 19 years of age or older. Residents are those persons who occupy premises as their normal, principal place of residence.

4. In addition, each business, industry, etc. within the prescribed area is entitled to one vote to be exercised by the Manager or proprietor.

5. Owners of property within the prescribed area who do not reside therein will not be included in the referendum unless otherwise authorized by the General Manager.

METHOD OF CONDUCTING REFERENDUMS

6. A complete enumeration will be conducted within the prescribed area in which the name and address of every resident and business will be recorded and numbered on a master enumeration list. This acts as a control feature as well as providing a method to determine the response rate in compiling results.

7. The voting is to be conducted by a door-to-door referendum where each household is contacted and those eligible residents over the age of 19 are given individual ballots. Those ballots should simply ask the question of whether or not the person is in favour of a neighbourhood pub, cabaret, etc. (whatever the proposed liquor establishment is to be) and should then provide a place for them to answer the question Yes or No. On the ballots should also be a place for the individual to place his or her name and address and a signature

..... 2

place verifying that the person is over the age of 19. A sample ballot is attached for your guidance. Once the person conducting a survey has received a completed ballot it should immediately be placed in a suitable receptacle, such as a ballot box, to avoid any inference that other voters will see that ballot.

8. Prior to supplying ballots to the individual residents the surveyor should provide an information sheet explaining what the proposed establishment is all about. This should be done in a concise fashion patterned along the newspaper advertisement which the applicant is required to do elsewhere in the process and stating the civic address for the site, not a legal description. The information sheet should not be accompanied by photographs, artists conceptions or anything similar. The intent of this referendum is to obtain the independent votes of the residents - not to sell the project.

9. Persons conducting the referendum should simply attend upon the residents, briefly state their purpose, hand over the information sheet and then await for the results. They should not attempt to win favourable votes.

10. The referendum should take place at a suitable time such as the dinner hours (over perhaps a couple of days) in order to contact as many of the residents as possible.

11. When the ballots are being counted, the residents who have voted should be checked off the master enumeration list to avoid any possible duplication.

12. In the case of residents who are not at home when the surveyor calls, the information as described above and an Cut - Left Notice Card should be left. On one side of the card will appear an explanation that a surveyor attended at the home for the purpose of obtaining votes on the referendum, but that the process could not be completed because no-one was home. On the reverse side of that card should be a ballot request form to be completed and returned to the surveyor.

13. Upon receipt of the ballot request form or upon receipt of a telephone request from someone within the prescribed area who has not voted already, the appropriate number of ballots can be mailed or delivered to the household for completion. If mailed, there should be a notice specifying the time (probably two weeks later) by which those ballots must be received by the surveyor

..... 3

14. Ballots received as a result of the Out - Left Notice Card should be checked off the master enumeration list in the same manner as other ballots.

15. At the end of the time alloted for the conduct of the referendum, the ballots should be counted and the results should be tabulated and put into the form of a report. That report should indicate the percentage of voters in favour and those against and also indicate the number of residents who voted out of the total number of possible voters obtained from the master enumeration list.

CONTROL

16. Once the General Manager has ordered that a referendum be taken and that the applicant may conduct such a referendum then the applicant will be under the jurisdiction of the appropriate liquor inspector to whom he will be responsible for following these guidelines.

17. The liquor inspector having jurisdiction may require the applicant to prepare a colour-coded map of the votes in the prescribed area.

18. Once the referendum has been completed, the report of the results will go through the liquor inspector to the General Manager. The completed ballots should be left with the inspector. The General Manager will then indicate whether or not he approves the results this approval is only required where at least 60% have voted in favour.

19. As part of the report accompanying the referendum results, each person who is participating in conducting the referendum should complete a Statutory Declaration setting out that the referendum was conducted in a manner according to the guidelines and directions received from the liquor inspector and that no influence whatsoever has been used to sway the opinions of the people during the conduct of the referendum.

GENERAL

20. No proxy voting is permitted.

21. Any letters sent to the Branch either for or against the proposal will be considered by the Branch and will be added to the results, provided that the person writing the letter has not already voted on the referendum. In the event that a vote being cast and a letter being written by that same person and indicating a contrary opinion to that registered by the vote, the vote in the referendum will be the only opinion counted.

B A L L O T

ARE YOU IN FAVOUR OF A _____ PROPOSED TO BE LOCATED AT _____ (CIVIC ADDRESS)	YES	
	NO	

IF IN FAVOUR, PLACE A CROSS X OPPOSITE THE WORD "YES" ABOVE

IF AGAINST, PLACE A CROSS X OPPOSITE THE WORD "NO" ABOVE

_____

NAME

_____

ADDRESS

_____

TELEPHONE

I HEREBY CERTIFY THAT I AM OVER THE AGE OF 19 AND THAT THE ABOVE ADDRESS IS MY ORDINARY PLACE OF RESIDENCE.

_____

SIGNATURE

TAB 33

3. RESULTS

Following are the results of the vote in the referendum for a Class "D" Neighbourhood Public House at 7289 Knight Street, Vancouver, B.C.

- Number of residences and businesses with the referendum area	1,719
- Number of persons receiving ballots	3,192
- Number of ballots returned late	13
- Percentage of persons receiving ballots and voting (2,113 ÷ 3,192)	66.20%
- Percentage of persons receiving ballots and Not voting (1,079 ÷ 3,192)	33.80%
- Number of persons not wishing to vote (abstained)	82
- Number of residences denied access	3
- Number of O.L.N. cards left	712
- Number of O.L.N. cards returned	84
- Number of O.L.N. cards returned late	16
- Number of persons voting	2,100
- Number of YES ballots	1,215
- Number of NO ballots	790
- Number of Spoiled ballots	95
- Percentage of Spoiled ballots (95 ÷ 2,100)	4.52%
- Percentage of YES ballots (1,215 ÷ 2,005)	60.60%
- Percentage of NO ballots (790 ÷ 2,005)	39.40%

The YES/NO results are depicted graphically on Appendix "H"

Delta Media Services Ltd.